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Friday  
December 1, 1989

# federal register

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Briefing on How To Use the Federal Register  
For information on a briefing in Washington, DC, see  
announcement on the inside cover of this issue.



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** December 7, at 9:00 a.m.
- WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.



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# Rules and Regulations

Federal Register

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Friday, December 1, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 907

[Navel Orange Regulation 696]

#### Navel Oranges Grown in Arizona and Designated Part of California

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from December 1 through December 7, 1989. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

**DATES:** Regulation 696 (7 CFR part 907) is effective for the period from December 1 through December 7, 1989.

**FOR FURTHER INFORMATION CONTACT:** Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-8139.

#### SUPPLEMENTARY INFORMATION:

This final rule is issued under Marketing Order 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as

amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,065 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 85 percent of the total production in 1988-89. District 2 is located in the southern coastal area of California and represented 13 percent of 1988-89 production; District 3 is the desert area of California and Arizona, and it represented approximately 1 percent; and District 4, which represented approximately 1 percent, is northern California. The Committee's estimate of 1989-90 production is 73,350 cars (one car equals 1,000 cartons at 37.5

pounds net weight each), as compared with 70,633 cars during the 1988-89 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 68 percent of the 1989-90 crop of 73,350 cars will be utilized in fresh domestic channels (49,500 cars), with the remainder being exported fresh (10 percent) or processed (22 percent). This compares with the 1988-89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of the crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to growers. Growers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance grower revenue. Prices for navel oranges tend to be relatively inelastic at the grower level. Thus, even a small variation in shipments can have a great impact on prices and grower revenue. Under these circumstances, strong arguments can be advanced as to



the benefits to growers, particularly smaller growers.

At the beginning of each marketing year, the Committee submits a marketing policy to the U.S. Department of Agriculture (Department) which discusses, among other things, the potential use of volume and size regulations for the ensuing season. The Committee, in its 1989-90 season marketing policy, considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Schlatter. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate. A "Notice of Marketing Policy" (notice), which summarized the Committee's marketing policy, was prepared by the Department and published in the October 19, 1989, issue of the *Federal Register* (54 FR 42966). The purpose of the notice was to allow public comment on the Committee's marketing policy and the impact of any regulations on small business activities.

The notice provided a 30-day period for the receipt of comments from interested persons. That comment period ended on November 20, 1989. Comments were received from Mr. Carl Pescosolido, Jr., Sequoia Orange Company, Inc., Mr. Richard J. Pescosolido, Foothill Farms, and Mr. James A. Moody, coordinator for Farmers Alliance for Improved Regulation. The Department is currently analyzing the comments received and the analysis will be made available to interested persons. That analysis will assist the Department in evaluating recommendations for the issuance of weekly volume regulations.

The Committee met publicly on November 28, 1989, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of eight to one with one abstention, that 1,550,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions,

and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections set forth in its 1989-90 marketing policy. This recommended amount is 450,000 cartons less than estimated in the tentative shipping schedule adopted by the Committee on November 14, 1989. Of the 1,550,000 cartons, 1,488,000 are allotted for District 1, and 62,000 are allotted for District 3. Districts 2 and 4 are not regulated as they do not have a sufficient quantity of fruit available for current shipment.

During the week ending on November 23, 1989, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,264,000 cartons compared with 928,000 cartons shipped during the week ending on November 24, 1988. Export shipments totaled 221,000 cartons compared with 132,000 cartons shipped during the week ending on November 24, 1988, and processing and other uses accounted for 315,000 cartons compared with 236,000 cartons shipped during the week ending on November 24, 1988.

Fresh domestic shipments to date this season total 5,145,000 cartons compared with 2,747,000 cartons shipped by this time last season. Export shipments total 783,000 cartons compared with 211,000 cartons shipped by this time last season. Processing and other use shipments total 1,352,000 cartons compared with 796,000 cartons shipped by this time last season.

For the week ending on November 23, 1989, handlers in District 1 had net undershipments of 259,000 cartons and handlers in District 3 had net undershipments of 20,000 cartons. Thus, undershipments of 279,000 cartons will be carried over into the week ending on November 30, 1989. Preliminary adjusted allotment for the week ending on November 30, 1989, is 1,711,000 cartons.

The average f.o.b. shipping point price for the week ending on November 23, 1989, was \$7.89 per carton based on a reported sales volume of 826,000 cartons compared with last week's average of \$8.60 per carton on a reported sales volume of 1,154,000 cartons. The season average f.o.b. shipping point price to date is \$8.88 per carton. The average f.o.b. shipping point price for the week ending on November 24, 1988, was \$9.78 per carton; the season average f.o.b. shipping point price at this time last season was \$10.42 per carton.

The Committee reports that overall demand for navel oranges has declined. Thus, because of the weak market, the large supply of navel oranges available for shipment, and a large carryover,

prorate was set below the shipping schedule.

According to the National Agricultural Statistics Service, the 1988-89 season average fresh equivalent on-tree price for California-Arizona navel oranges was \$3.86 per carton, 65 percent of the season average parity equivalent price of \$5.98 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the point estimate of the 1989-90 season average fresh on-tree price would be \$4.33 per carton. This is equivalent to 66 percent of the projected season average fresh on-tree parity equivalent price of \$6.54 per carton. It is currently estimated that there is less than a one percent probability that the 1989-90 season average fresh on-tree price will exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from December 1 through December 7, 1989, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market. By using provisions contained in the navel orange marketing order, handler shipments could exceed an estimated 2,140,000 cartons during the week.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until November 28, 1989, and this action needs to be effective for the regulatory week which begins on December 1, 1989.



Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers have been apprised of the provisions of this rule and the effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

#### List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements and orders, Navel oranges.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

#### PART 907—[AMENDED]

1. The authority citation for 7 CFR part 907 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 907.996 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

#### § 907.996 Navel Orange Regulation 696.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from December 1 through December 7, 1989, is established as follows:

- (a) District 1: 1,488,000 cartons;
- (b) District 2: unlimited cartons;
- (c) District 3: 62,000 cartons;
- (d) District 4: unlimited cartons.

Dated: November 29, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89-28293 Filed 11-30-89; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 910

##### [Lemon Regulation 694]

#### Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** Regulation 694 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 350,000 cartons during the period from December 3 through December 9, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 694 (7 CFR part 910) is effective for the period from December 3 through December 9, 1989.

**FOR FURTHER INFORMATION CONTACT:** Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met

publicly on November 28, 1989, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and, by an 11 to 2 vote, recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.994 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 910.994 Lemon Regulation 694.

The quantity of lemons grown in California and Arizona which may be handled during the period from December 3, 1989, through December 9, 1989, is established at 350,000 cartons.

Dated: November 29, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89-28292 Filed 11-30-89; 8:45 am]

BILLING CODE 3410-02-M



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 89-NM-228-AD; Amendment 39-6408]

**Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, -81, -82, and C-9 (Military) Series Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas DC-9 series airplanes, which currently requires inspection of the left- and right-hand window belt panels for cracks, and repair, if necessary. This amendment requires that repetitive eddy current inspections be performed at more frequent intervals for certain airplanes, and extends the repetitive inspection interval for other airplanes. This amendment is prompted by a report of a 17.75-inch crack of a window belt panel discovered during routine maintenance. This condition, if not corrected, could result in rapid cabin depressurization.

**EFFECTIVE DATE:** December 18, 1989.

**ADDRESSES:** The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Cecil, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-120L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806; telephone (213) 988-5322.

**SUPPLEMENTARY INFORMATION:** On October 12, 1985, the FAA issued AD 85-19-02, Amendment 39-5136 (50 FR 36046; September 5, 1985), to require inspection of the left- and right-hand window belt panels for cracks on certain McDonnell Douglas DC-9-10, -20, -30, -40, -50, -80 series aircraft and C-9 (Military) series airplanes. That action was prompted by reports of cracks in the window belt panel. The cracks were attributed to metal fatigue. This condition, if not corrected, could lead to rapid depressurization and result

in severe structural damage to the airplane.

Since issuance of that AD, a 17.75-inch crack of a window belt panel was discovered on a Model DC-9-32 series airplane, fuselage number 469, during routine maintenance activity.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin A53-142, Revision 8, dated October 25, 1989, which describes procedures for eddy current inspection and repair, as necessary, of the window belt panels above and below the passenger compartment windows.

This revision of the service bulletin segregates the affected airplanes into two groups: Group I includes airplanes with line numbers 1 through 950; Group II includes airplanes with line numbers 951 through 1157. Each group was manufactured using a different type of aluminum having different fatigue characteristics; the material used in the (earlier-produced) Group I airplanes is less ductile than that used in the (later-produced) Group II airplanes. Therefore, the service bulletin specifies different repetitive inspection intervals for the two groups of airplanes.

The revised service bulletin also describes procedures for a modification, consisting of an exterior window belt doublers installation, which, if installed, would constitute terminating action for the repetitive inspections.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD supersedes AD 85-19-02 to require eddy current inspections to detect cracks of the window belt panels at more frequent repetitive intervals for Group I airplanes than previously required by the existing AD; this AD extends the repetitive inspection intervals for Group II airplanes. The inspections and necessary repairs are required to be accomplished in accordance with the revised service bulletin described above.

Additionally, this rule removes all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, since later revisions of the service bulletin may be approved as an alternate means of compliance with this amendment, as provided by paragraph H.

The FAA has determined that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections. Therefore, the FAA has

issued additional rulemaking which proposes to require operators to accomplish the modifications identified in paragraph C. and D. of this AD and, thus, terminate the repetitive inspection requirement. The proposed rule, contained in Docket 89-NM-197-AD (54 FR 39408; September 26, 1989), is a result of the recommendations of the Aging Aircraft Task Force, sponsored by the Air Transport Association (ATA) of America, the Aerospace Industries Association (AIA), and the FAA; it proposes the installation of numerous terminating modifications related to a number of service bulletins applicable to Model DC-9 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration



amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 (Amended)

2. Section 39.13 is amended by superseding Amendment 39-5136 (50 FR 36046; September 5, 1985), AD 85-19-02, with the following new airworthiness directive:

**McDonnell Douglas:** Applies to Model DC-9-10, -20, -30, -40, -50, -81, -82 and C-9 (Military) series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent crack propagation, which could result in rapid cabin depressurization, accomplish the following:

A. For airplanes fuselage numbers 1 through 950: Prior to the occurrence of the latest of the compliance times set forth below, inspect the left- and right-hand window belt panels and adjacent structure for cracks using eddy current methods, in accordance with McDonnell Douglas Alert Service Bulletin (ASB) A53-142, Revision 8, dated October 25, 1989 (hereinafter referred to as ASB 53-142):

1. Prior to the accumulation of 30,000 or more landings; or
2. Within 2,500 landings since the last inspection in accordance with Amendment 39-5136, AD 85-19-02; or
3. Within 500 landings after the effective date of this AD.

B. For airplanes, fuselage numbers 951 through 1157: Prior to the occurrence of the latest of the compliance times set forth below, inspect the left- and right-hand window belt panels and adjacent structure for cracks using eddy current methods, in accordance with McDonnell Douglas ASB A53-142:

1. Prior to the accumulation of 30,000 or more landings; or
2. Within 10,000 landings since the last inspection in accordance with Amendment 39-5136, AD 85-19-02; or
3. Within 500 landings after the effective date of this AD.

C. Repeat the inspections required by paragraph A. of this AD at intervals not to exceed 800 landings, until such time as the preventive modification is installed in accordance with McDonnell Douglas Service Bulletin 53-142, dated June 30, 1983.

D. Repeat the inspections required by paragraph B. of this AD at intervals not to exceed 20,000 landings, until such time as preventive modification is installed in accordance with McDonnell Douglas Service Bulletin 53-142, dated June 30, 1983.

E. Credit may be given for inspections and repairs already accomplished in accordance with earlier versions of the McDonnell Douglas ASB A53-142.

F. If any fuselage skin cracks are found, accomplish the procedures described in paragraphs F.1., F.2., or F.3., below:

1. Before further flight, repair fuselage skin cracks in accordance with Option 2 described in ASB 53-142; or

2. Before further flight, repair fuselage skin cracks in accordance with McDonnell Douglas DC-9 Drawing J060131. Repairs of fuselage skin cracks accomplished in accordance with Drawing J060131 must be visually inspected at intervals not to exceed 2,000 landings, and must be replaced by repairs accomplished in accordance with McDonnell Douglas Drawing J060109 within 4,000 landings. After accomplishment of repairs in accordance with Drawing J060109, inspect the unrepaired areas of the airplane in accordance with the requirements of paragraphs C., above, for fuselages 1 through 951, or paragraph D., above, for fuselages 952 through 1157 or

3. Before further flight, install a placard in plain view of the pilot reading "Pressurized Flight Prohibited," and accomplish either paragraph F.1. or F.2., above, within 4,000 landings.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base to comply with the requirements of this AD.

H. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment supersedes Amendment 39-5136, AD 85-19-02.

This amendment becomes effective December 18, 1989.

Issued in Seattle, Washington, on November 21, 1989.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 89-28155 Filed 11-30-89; 8:45 am]

BILLING CODE 4910-13-M

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 14 CFR Part 1206

RIN 2700-AA49

#### Availability of Agency Records to Members of the Public

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This action amends 14 CFR part 1206, "Availability of Agency Records to Members of the Public," by making administrative changes and corrections to reflect the renaming of a NASA field installation, to change the offices responsible for Freedom of Information Act (FOIA) requests, and to reassign responsibilities for FOIA final determinations.

**EFFECTIVE DATE:** December 1, 1989.

**ADDRESS:** Freedom of Information Act Officer, Code LN, NASA Headquarters, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Riepp, 202/453-2939, or Pamela J. von Soosten, 202/453-2439.

**SUPPLEMENTARY INFORMATION:** The notice and public comment procedures of 5 U.S.C. 553 were considered to be inapplicable based on the exemption at 5 U.S.C. 553(a)(2), for rulemaking on "a matter relating to agency management or personnel or to public property, loans, grants, benefits or contracts."

The National Aeronautics and Space Administration has determined that this rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities. NASA has also determined that this rule is not a major rule as defined in Executive Order 12291.

#### List of Subjects in 14 CFR Part 1206

Freedom of Information, Information.

#### PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

For reasons set out in the preamble, 14 CFR part 1206 is amended to read as follows:

1. The authority citation for part 1206 continues to read as follows:

Authority: Sec. 203, National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473 and 5 U.S.C. 552 as amended by Pub. L. 93-504, 88 Stat. 1561, Pub. L. 99-507, unless otherwise noted; the Privacy Act of 1974, 5 U.S.C. 552a.



2. Section 1206.401 is amended by revising paragraph (j) to read as follows:

**§ 1206.401 Location of NASA information centers.**

(j) NASA Information Center, John C. Stennis Space Center, MS 39529.

3. Section 1206.500 is amended by revising the section heading and the introductory text to read as follows:

**§ 1206.500 Assistant Deputy Administrator.**

Except as otherwise provided in § 1206.504, the Assistant Deputy Administrator or designee is responsible for the following:

4. Section 1206.502 is amended by revising paragraph (a)(3) to read as follows:

**§ 1206.502 Field and component installations.**

(3) In coordination with the Assistant Deputy Administrator, ensuring that requests for records under the cognizance of his/her respective installation are processed and initial determinations made within the time limits specified in Subpart 6 of this part.

5. Section 1206.503 is amended by revising paragraph (a)(4) to read as follows:

**§ 1206.503 NASA Headquarters.**

(4) In coordination with the Assistant Deputy Administrator, ensuring that requests for agency records under the cognizance of Headquarters are processed and initial determinations made within the time limits specified in subpart 6 of this part.

6. Section 1206.600 is revised to read as follows:

**§ 1206.600 Requests for records.**

A member of the public may request an agency record by mail or in person from the Freedom of Information Act (FOIA) Office having cognizance over the record requested or from the NASA Headquarters FOIA Office.

7. Section 1206.601 is amended by revising paragraph (a) to read as follows:

**§ 1206.601 Mail requests.**

(a) The request must be addressed to an appropriate NASA FOIA Office or otherwise be clearly identified on the envelope and in the letter as a request

for an agency record under the "Freedom of Information Act."

8. Section 1206.602 is revised to read as follows:

**§ 1206.602 Requests in person.**

(a) A member of the public may request an agency record in person at a NASA FOIA Office (see § 1206.401) during the duty hours of the installation.

(b) A request at an FOIA Office must identify the record requested or reasonably describe it as provided in § 1206.601(b).

(c) If the record requested is located at the FOIA Office or otherwise readily obtainable, it shall be made available to the requester upon the payment of any fees that are chargeable (see subpart 7 of this part), which fees may be paid in cash or by a check or money order payable to the "National Aeronautics and Space Administration." If the record requested is not located at the FOIA Office or otherwise readily obtainable, the request will be docketed at the FOIA Office and processed in accordance with the procedures in §§ 1206.603 and 1206.604, with any fee chargeable being handled in accordance with § 1206.601(c).

9. Section 1206.603 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 1206.602 Procedures and time limits for initial determinations.**

(a) Except as provided in § 1206.608, an initial determination on a request for an agency record, addressed in accordance with § 1206.601(a) or made in person at a NASA FOIA Office, shall be made, and the requester shall be sent notification thereof, within 10 working days after receipt of the request, as required by 5 U.S.C. 552(a)(6).

(b) An initial determination on a request for an agency record by mail not addressed in accordance with § 1206.601(a) shall be made, and the requester shall be sent notification thereof, within 10 working days after the correspondence is recognized as a request for an agency record under the "Freedom of Information Act" and received by the appropriate NASA FOIA Office. With respect to such a request, unless an initial determination can reasonably be made within 10 working days of the original receipt, the request will be promptly acknowledged and the requester notified of the date the request was received at that FOIA Office and that an initial determination on the request will be made within 10 working days of that date.

10. Section 1206.604 is revised to read as follows:

**§ 1206.604 Request for records which exist elsewhere.**

(a) If a request for an agency record is received by an FOIA Office not having cognizance of the record (for example, where a request is submitted to one NASA installation or Headquarters and the requested record exists only at another NASA installation), the FOIA Office receiving the request shall promptly forward it to the NASA FOIA Office having cognizance of the record requested. That installation shall acknowledge the request and inform the requester that an initial determination on the request will be sent within 10 working days from the date of receipt by such installation.

(b) If a request is received for agency records which exist at two or more installations, the FOIA Office receiving the request shall undertake to comply with the request, if feasible, or to forward the request (or portions thereof) promptly to a more appropriate installation for processing. The requester shall be kept informed of the actions taken to respond to the request.

(c) If a requester is received by a NASA FOIA Office for a record of another agency, the requester shall promptly be informed of that fact, and the request shall be returned to the requester, with advice as to where the request should be directed.

11. Section 1206.610 is amended by correcting the introductory heading to paragraph (b) to read as follows:

**§ 1206.610 Notice to submitters of commercial information.**

(b) Notice to submitters.

Dated: November 24, 1989.

Richard H. Truly,

Administrator.

[FR Doc. 89-28147 Filed 11-30-89; 8:45 am]

BILLING CODE 7510-01-M

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1313**

**Export of Chemicals From the United States to Panama; Policy Statement**

**AGENCY:** Drug Enforcement Administration (DEA).

**ACTION:** Policy statement.

**SUMMARY:** Notice is hereby given that an exporter must notify DEA at least 15



days in advance of the shipment of a chemical listed under the Chemical Diversion and Trafficking Act of 1988 if the shipment is from the United States to Panama. The exception under title 21 CFR 1313.24 allowing exporters to notify DEA on the day of shipment for transactions between a "regulated person" and a "regular customer" does not apply to shipments to Panama until further notice.

**EFFECTIVE DATE:** December 1, 1989.

**FOR FURTHER INFORMATION CONTACT:**

Howard A. McClain, Jr., Office of Diversion Control, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7183.

**SUPPLEMENTARY INFORMATION:** The following is a statement of policy by the Drug Enforcement Administration (DEA) under the Chemical Diversion and Trafficking Act of 1988 regarding exports of listed chemicals from the United States to Panama.

On August 1, 1989, the DEA published the final rule implementing the Chemical Diversion and Trafficking Act of 1988 (CDTA). The CDTA provides DEA with a potent new tool to use in combatting illicit drug manufacturing, namely the ability to deny traffickers access to the chemicals necessary to produce and process illicit drugs. The CDTA and the implementing regulations establish a system of recordkeeping and reporting requirements that provide DEA with a mechanism to track domestic and international movement of listed chemicals, tableting and encapsulating machines, and equipment. DEA now has the authority to stop a shipment of listed chemicals pursuant to 21 U.S.C. 971 "on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance." Of particular concern in this regard are exports of listed chemicals destined for Central and South America, especially those chemicals which are used as solvents and reagents in the manufacture of cocaine HCL.

Section 1018(a) of the CDTA (21 U.S.C. 971) provides that "each regulated person who imports or exports a listed chemical shall notify the Attorney General of the importation or exportation not later than 15 days before the transaction is to take place." The requirement is modified by § 1313.24 of the CDTA regulations where the transaction is between a "regulated person" and a "regular customer." Exporters are allowed to ship listed chemicals to regular customers with notification on the day of shipment. In either case, DEA has the obligation to investigate the customer in order to

determine if the customer is legitimate and that the chemical will not be diverted to the illicit manufacture of drugs.

DEA is currently in the process of investigating those foreign customers submitted by exporters for regular customer status. Several customers located in Panama have been submitted. In addition, it is anticipated that DEA will receive future notifications from U.S. exporters for shipments to Panamanian customers who were not submitted for regular customer status. Under the current circumstances the ability of the U.S. Government to investigate the legitimacy of those Panamanian customers submitted for regular customer status or those submitted later on a shipment-by-shipment basis, does not exist. Also, based upon past experience, the United States is unable to rely upon the representations of current Panamanian officials. Present United States policy prohibits official communications (including law enforcement matters) with the Panamanian Defense Force and other Panamanian officials. In view of the fact that in the past drug traffickers have diverted listed chemical shipments via Panama to illicit cocaine production, it must be concluded that the likelihood of diversion of listed chemical shipments to Panama is high. Therefore, DEA will be guided by the following principles in determining whether a shipment of listed chemicals will be allowed:

A. The U.S. exporter must be able to show conclusively that all of the chemical will be consumed in Panama.

B. If the ultimate customer is not in Panama, that customer must be identified to DEA so that an investigation as to its legitimacy and the possibility of diversion can ensue.

C. The quantity and the intended use of the chemical must be consistent with previously established experience for an established customer. If the U.S. exporter has no previously exported listed chemicals to the customer, the quantity and intended use must be consistent with the nature and the size of the customer's business. This must be determined by an on-site appraisal of the customer's actual need by a representative of the U.S. exporter.

D. Due to the circumstances previously discussed, DEA has no ability to investigate those customers submitted as regular customers nor those who would become regular customers after the initial notification, as specified in 21 CFR 1313.24.

Therefore, since there is no way to determine with any reasonable degree of certainty that the chemical shipment

will not be diverted, regular customer status will not be accorded to any customer located in Panama. An exporter must file a DEA Form 486 at least 15 days in advance of the shipment date in accordance with 21 CFR 1313.21 for every shipment of a threshold quantity of a listed chemical to Panama.

E. Exporters are cautioned to view every order from Panama with extreme vigilance. Firms should recognize that they will be called upon to demonstrate that they have fully satisfied the provisions of 21 CFR 1310.07 and 21 CFR 1313.22 with regard to verification of the identity and authority of the customer. Failure to do so may result in suspension of the shipment.

\* \* \* \* \*

Dated: November 20, 1989.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.

[FR Doc. 89-28107 Filed 11-30-89; 8:45 am]

BILLING CODE 4410-04-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 946

#### Virginia Regulatory Program— Revisions, Clarifications, and Corrections

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is announcing approval of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment modifies 23 Virginia rules in various subject areas for the purpose of clarifying existing rules and maintaining consistency with revised Federal standards.

**EFFECTIVE DATE:** December 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** Mr. W. Russell Campbell, Acting Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Room 220, Powell Valley Square Shopping Center, Route 23, Big Stone Gap, Virginia 24219; Telephone: (703) 523-4303.

**SUPPLEMENTARY INFORMATION:**  
I. Background on the Virginia Program  
II. Submission of Amendment



- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

### I. Background on the Virginia Program

The Secretary of the Interior approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the Virginia program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval, can be found in the December 15, 1981, *Federal Register* (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

### II. Submission of Amendment

By letter dated June 30, 1989 (Administrative Record No. VA-728), Virginia submitted a proposed amendment (State Program Amendment Tracking No. VA-0001) to modify the following rules of its Surface Coal Mining Reclamation Regulations: Chapter VR 480-03-19: 780.14, 773.15, 779.19, 783.19, 779.20, 783.20, 780.16, 784.21, 816.97, 817.97, 846.2, 846.12, 846.14, 846.17, 846.18, 784.20, 700.11, 764.15, 840.11, 843.22, 785.14, 801.17.

Most of the proposed changes respond to recently published Federal rule revisions or address State operational concerns. Minor changes affect the mountaintop removal mining rules and bond release notification rules.

OSM announced receipt of the proposed amendment in the August 4, 1989 *Federal Register* (32098-32099), and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment.

### III. Director's Findings

Pursuant to SMCRA and Federal regulations contained at 30 CFR 730.5, 30 CFR 732.15, and 30 CFR 732.17, the Director finds the submitted amendment, with the exception of VR 480-03-19.843.22 upon which Federal action is deferred, to be no less effective than comparable Federal regulations. In support of this finding, the Director specifically finds as follows:

#### 1. VR 480-03-19.780.14 Operation Plan: Maps and Plans

Paragraph (c) would add the requirement that maps, plans and cross sections for each water diversion, collection, conveyance, treatment, storage, and discharge facility to be used be prepared by, or under the direction of, and certified by a qualified

registered professional engineer, or certified professional geologist with assistance from experts in related fields such as land surveying and landscape architecture. The Director finds this rule design and certification standards to be substantively equivalent to the corresponding Federal rule at 30 CFR 780.14(c) in referencing paragraph (b)(6) and therefore, no less effective.

#### 2. VR 480-03-19.773.15 Review of Permit Applications

Paragraph (c)(12) would require the Virginia Division of Mined Land Reclamation make a written finding before permit approval for a proposed remaining operation. The site of the operation must be a previously mined area as defined in the Virginia regulations. The Director finds the proposal to be substantively equivalent to the Federal rule at 30 CFR 773.15(c)(12) and therefore, no less effective.

#### 3. VR 480-03-19.780.16 and 480-03-19.784.21 Fish and Wildlife Information

These sections apply to permitting of surface and underground mining activities respectively and the language of each section is the same. Certain substantively duplicative text relating to fish and wildlife information has been deleted from VR 480-03-19.770.20 and 480-03-19.783.20. Changes in references in VR 480-03-19.779.19 and 480-03-19.783.19 would properly identify the new proposed sections.

(a) *Resource information.* Paragraph (a) of these proposed rules would require each application to include fish and wildlife resource information for the permit and adjacent area. It would also require the scope and level of detail of such information and site-specific information on endangered or threatened plant or animal species, and animal habitat as necessary or required. The Director finds paragraph (a) of the proposed rules to be the substantive equivalent of the Federal rules at 30 CFR 780.16(a) and 784.21(a) and therefore, no less effective.

(b) *Protection and enhancement plan.* Paragraph (b) of these rules would require a description of protective measures to be used during the active mining phase, and of enhancement measures to be used during the reclamation and postmining phase that apply to the species and habitats identified under proposed paragraph (a) of this section. The Director finds paragraph (b) of these rules to be the substantive equivalent of the Federal rules at 30 CFR 780.16(b) and 784.21(b) and therefore, no less effective.

(c) *Fish and Wildlife Service review.* Paragraph (c) of the rules require the regulatory authority (Division) to provide fish and wildlife resource information to the U.S. Fish and Wildlife Service within ten days of receipt of such a request from the Service. The Director finds paragraph (c) of these sections to be the substantive equivalent of 30 CFR 780.16(c) and 784.21(c) and therefore, no less effective.

#### 4. VR 480-03-19.816.97 and 480-03-19.817.97 Protection of Fish, Wildlife, and Related Environmental Values

These sections apply to the performance standards for surface and underground mining activities respectively, and the language of each section is substantively equal.

(a) *Endangered and threatened species.* Paragraph (b) of both sections would prohibit mining activities which are likely to result in the destruction or adverse modification of designated critical habitats for federally listed endangered or threatened species. It also requires an operator to promptly report to the Division any State or federally listed endangered or threatened species within the permit area of which the operator becomes aware. The Director finds the proposed rules to be the substantive equivalent of the corresponding Federal rules at 30 CFR 816.97(b) and 817.97(b) and therefore, no less effective.

(b) *Exclusion of wildlife from toxic ponds.* Subparagraph (e)(4) of both sections would require operators to fence cover, or use appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials. The Director finds the proposed rules to be the substantive equivalent of the Federal rules at 30 CFR 816.97(e)(4) and 817.97(e)(4) and therefore, no less effective.

#### 5. VR 480-03-19.846 Individual Civil Penalties and 480-03-19.846.2 Definitions

This proposal would add a new part to the Virginia program to be consistent with the Federal program at 30 CFR part 846. The Director finds that the definitions for "knowingly", "violation, failure or refusal", and "willfully" are the substantive equivalent of the Federal definitions at 30 CFR 846.5 and therefore, no less effective.

#### 6. VR 480-03-19.846.12 When an Individual Civil Penalty May Be Assessed

Paragraphs (a) and (b) of this proposed rule would provide the



Division with the authority to assess an individual civil penalty in all circumstances where it is permitted. The Director finds the proposal to be the substantive equivalent of the Federal rules at 30 CFR 846.12 and therefore, no less effective.

**7. VR 480-03-19.846.14 Amount of the Individual Civil Penalty**

Paragraph (a) requires Virginia to consider an individual's history of previous violations, the seriousness of the violation, and demonstrated good faith in attempting to achieve rapid compliance after receiving notice of infraction. Paragraph (b) would allow Virginia to deem each day of continuing violation a separate violation for which an individual civil penalty may be assessed. The Director finds these proposed rules to be the substantive equivalent of the Federal rules at 30 CFR 846.14 and therefore, no less effective.

**8. VR 480-03-19.846.17 Assessment of the Individual Civil Penalty**

Paragraph (a) of this rule would provide notice to an individual being assessed a penalty to the same extent as the Federal requirements. Paragraph (b) would establish effective dates for assessments and standards for service. The Director finds this rule to be substantively equivalent to the Federal rule at 30 CFR 846.17 and therefore, no less effective.

**9. VR 480-03-19.846.18 Penalty Payment**

This proposal would establish penalty payment due dates and would provide for withdrawal of the penalty if abatement or compliance is satisfactory. The Director finds the Virginia proposal substantively equivalent to the Federal rule at 30 CFR 846.18 and therefore, no less effective.

**10. VR 480-03-19.784.20 Subsidence Control Plan**

This proposed rule clarifies where and when a subsidence control plan is required.

(a) *Map of underground workings.* Paragraph (b) of this rule requires a map of areas in which planned subsidence mining methods will be used. It states that corrective measures would be taken only "to the extent required under State law," while the comparable Federal rule at 30 CFR 764.20(b) requires that corrective measures be taken "where appropriate." Under the operative Virginia regulation at VR 480-03-19.817.121(c)(2), the duty to correct "to the extent required by state law" only applies to the correction of damage caused to structures. However, pursuant to VR 480-03-19.817.121(c)(1) which is

the substantive equivalent of the Federal regulation at 30 CFR 817.121(c)(1), the operator must correct "any material damage resulting from subsidence caused to surface lands." The proposed language at VR 480-03-19.784.20 does not change these duties imposed upon the operator. Accordingly, the Director finds the proposed amendment to be no less effective than comparable federal regulations.

(b) *Subsidence monitoring.* Paragraph (d) clarifies that the Division has the authority to require monitoring as part of any subsidence control plan, regardless of the type of mining proposed. The Director finds this proposal to be the substantive equivalent of 30 CFR 764.20(d) and therefore, no less effective.

**11. VR 480-03-19.700.11(b) Two-Acre Exemption**

The Division proposes to delete this rule to reflect the effect of the repeal of the two-acre exemption contained in section 528(2) of SMCRA and of the statutory provisions of Section 45.1-253 of the code of Virginia. The Director finds that the deletion of these provisions would not render the Virginia program to be less stringent than SMCRA and no less effective than the Federal regulations from which rule 30 CFR 700.11(b) was suspended.

**12. VR 480-03-19.764.15 Designating Areas Unsuitable for Mining—Initial Processing, Recordkeeping and Notification Requirements**

The Division proposes to streamline the reviewing of petitions to have an area designated as unsuitable for coal mining by eliminating the hearing provision on the completeness of petitions under paragraph (b)(2), and by replacing it with a completeness definition under paragraph (a)(1). The Director finds that these revisions would make the Virginia rule substantively equivalent to the Federal rule at 30 CFR 764.15.

**13. VR 480-03-19.840.11 Inspection of Abandoned Sites**

Paragraph (g) and (h) are being added to the Virginia program to clarify that abandoned mines, where all mining operations have ceased and no one remains at the site to complete the reclamation, need not be inspected as frequently as active mines. The Director finds the proposed rules to be the substantive equivalent of the Federal rules at 30 CFR 840.11 (g) and (h) and therefore, no less effective.

**14. VR 480-03-19.843.22 Enforcement Actions at Abandoned Sites**

Action upon this portion of the amendment is deferred to give the State an opportunity to correct the regulation citation contained within the proposed regulation.

**15. VR 480-03-19.785.14 Mountaintop Removal Mining**

The Director finds that proposed word changes and spelling corrections in subparagraphs (c)(1)(iii)(G) and (c)(1)(iv) would make the Virginia rules the substantive equivalent of 30 CFR 785.14(c)(1)(iii) and (c)(1)(iv) and therefore, no less effective.

**16. VR 480.03.19.801.17 Bond Release Application**

Proposed subparagraph (d)(4)(i) would require local government notification of total or partial bond release of pool bond funds. The Director finds that the proposed language would be the same as required for other forms of bonds in Virginia's program at VR 480-03-19.800.40(e) and the substantive equivalent of the requirements contained in the Federal program at 30 CFR 800.40(e) and therefore, no less effective.

**IV. Summary and Disposition of Comments**

*Public Comments*

The public comment period and opportunity to request a public hearing announced in the August 4, 1989 **Federal Register** ended September 5, 1989. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

*Agency Comments*

Pursuant to section 503(b) of SMCRA and the implementing regulations of 30 CFR 732.17(h), comments were solicited from various Federal agencies with an actual or potential interest in the Virginia program. The Fish and Wildlife Service (FWS) generally supported the language of the amendment described under finding 3(c). Other comments by FWS applied to matters of coordination between FWS and Virginia regulatory authority. Such other issues are beyond the scope of this State rulemaking proceeding.

*Director's Decision*

Based on the above findings, the Director is approving the proposed amendment consisting of revisions, clarifications and corrections as submitted on June 30, 1989, with the



exception of VR 480-03-19.843.22 upon which action is deferred. The Federal regulations at 30 CFR part 946 codifying decisions concerning the Virginia program are being amended to implement this decision.

#### *EPA Concurrence*

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with the respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore unnecessary. As required by 30 CFR 732.17(h)(11)(i), the Director solicited EPA's comments on these changes; however, none were received.

#### *Effect of Director's Decision*

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(g) prohibits unilateral changes to an approved State program. In his oversight of the Virginia program, the Director will recognize only the statutes, regulations, and other materials approved by him, together with any consistent implementing policies, directives, and other materials.

#### **VI. Procedural Determinations**

##### *Compliance With the National Environmental Policy Act*

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

##### *Executive Order No. 12291 and the Regulatory Flexibility Act*

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements

established by SMCRA and the Federal rules will be met by the State.

#### *Paperwork Reduction Act*

This does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

#### **List of Subjects in 30 CFR Part 946**

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 21, 1989.

Jeffrey D. Jarrett,  
*Acting Assistant Director, Eastern Field Operations.*

For reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulation is amended as set forth below.

#### **PART 946—VIRGINIA**

1. The authority citation for part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 946.15, a new paragraph (y) is added to read as follows:

##### **§ 946.15 Approval of regulatory amendments.**

\* \* \* \* \*

(y) The following amendments submitted to OSM on June 30, 1989 are approved effective upon promulgation of the revised rules by the State provided the rules adopted are identical to those submitted to OSM. Revisions to the Virginia coal surface mining regulations in chapter VR 480-03-19: 700.11, 764.15, 773.15, 779.19, 779.20, 780.14, 780.16, 783.19, 783.20, 784.20, 784.21, 785.14, 801.17, 816.97, 817.97, 840.11, 846, 846.2, 846.12, 846.14, 846.17, 846.18.

[FR Doc. 89-28122 Filed 11-30-89; 8:45 am]

BILLING CODE 4310-05-M

#### **DEPARTMENT OF DEFENSE**

##### **Office of the Secretary**

##### **32 CFR Part 198**

[DoD Directive 6035.2]

##### **DoD Medical Program Review Committee (MPRC)**

AGENCY: Department of Defense.

ACTION: Final rule.

**SUMMARY:** This document removes 32 CFR part 198. The overall effectiveness of the Planning Programming and Budgeting System (PPBS) was not enhanced by the requirements of 32 CFR part 198. The part has served the

purpose for which it was intended and is no longer required.

**EFFECTIVE DATE:** November 27, 1989.

##### **FOR FURTHER INFORMATION CONTACT:**

Ms. Linda M. Bynum, Correspondence and Directives Directorate, Washington, DC 20301-1155, telephone 202-697-4111.

##### **SUPPLEMENTARY INFORMATION:**

##### **List of Subjects in 32 CFR Part 198**

Organization and functions, Health care.

##### **PART 198—DoD MEDICAL PROGRAM REVIEW COMMITTEE (MPRC)—[REMOVED]**

Accordingly, title 32, chapter I, is amended by removing part 198.

Dated: November 27, 1989.

L.M. Bynum,

*Alternate OSD Federal Register, Liaison Officer Department of Defense.*

[FR Doc. 89-28130 Filed 11-30-89; 8:45 am]

BILLING CODE 3010-01-M

#### **DEPARTMENT OF VETERANS AFFAIRS**

##### **38 CFR Part 4**

##### **Schedule for Rating Disabilities; Diseases of the Peripheral Nerves**

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

**SUMMARY:** The Department of Veterans Affairs (VA) is correcting previously published information concerning the Schedule for Rating Disabilities table for Diseases of the Peripheral Nerves.

**EFFECTIVE DATE:** November 24, 1989.

##### **FOR FURTHER INFORMATION CONTACT:**

Joel Drembus, Regulations Staff, Compensation and Pension Service (211B), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

**SUPPLEMENTARY INFORMATION:** In 38 CFR 4.124a, the table of Diseases of the Peripheral Nerves was inadvertently misrepresented and is hereby corrected.

##### **List of Subjects in 38 CFR Part 3**

Disability benefits, Pensions, Veterans.

Dated: November 24, 1989.

Charles A. Fountaine, III,

*Chief, Directives Management Division.*

In 38 CFR part 4, Schedule for Rating Disabilities, the table in § 4.124a titled



Diseases of the Peripheral Nerves is revised to read as follows:

**§ 4.124a Schedule of ratings—neurological conditions and convulsive disorders.**

*Diseases of the Peripheral Nerves*

	Rating
Sciatic nerve.	
8520 Paralysis of:	
Complete; the foot dangles and drops, no active movement possible of muscles below the knee, flexion of knee weakened or (very rarely) lost...	80
Incomplete:	
Severe, with marked muscular atrophy	60
Moderately severe	40
Moderate	20
Mild	10
8620 Neuritis.	
8720 Neuralgia.	
External popliteal nerve (common peroneal).	
8521 Paralysis of:	
Complete; foot drop and slight droop of first phalanges of all toes, cannot dorsiflex the foot, extension (dorsal flexion) of proximal phalanges of toes lost; abduction of foot lost, adduction weakened; anesthesia covers entire dorsum of foot and toes	40
Incomplete:	
Severe	30
Moderate	20
Mild	10
8621 Neuritis.	
8721 Neuralgia.	
Musculocutaneous nerve (superficial peroneal).	
8522 Paralysis of:	
Complete; eversion of foot weakened	30
Incomplete:	
Severe	20
Moderate	10
Mild	0
8622 Neuritis.	
8722 Neuralgia.	
Anterior tibial nerve (deep peroneal).	
8523 Paralysis of:	
Complete; dorsal flexion of foot lost	30
Incomplete:	
Severe	20
Moderate	10
Mild	0
8623 Neuritis.	
8723 Neuralgia.	
Internal popliteal nerve (tibial).	
8524 Paralysis of:	
Complete; plantar flexion lost, frank adduction of foot impossible, flexion and separation of toes abolished; no muscle in sole can move; in lesions of the nerve high in popliteal fossa, plantar flexion of foot is lost	40
Incomplete:	
Severe	30
Moderate	20
Mild	10

	Rating
8624 Neuritis.	
8724 Neuralgia.	
Posterior tibial nerve.	
8525 Paralysis of:	
Complete; paralysis of all muscles of sole of foot, frequency with painful paralysis of a causalgic nature; toes cannot be flexed; adduction is weakened; plantar flexion is impaired	30
Incomplete:	
Severe	20
Moderate	10
Mild	10
8625 Neuritis.	
8725 Neuralgia.	
Anterior crural nerve (femoral).	
8526 Paralysis of:	
Complete; paralysis of quadriceps extensor muscles	40
Incomplete:	
Severe	30
Moderate	20
Mild	10
8626 Neuritis.	
8726 Neuralgia.	
Internal saphenous nerve.	
8527 Paralysis of:	
Severe to complete	10
Mild to moderate	0
8627 Neuritis.	
8727 Neuralgia.	
Obturator nerve.	
8528 Paralysis of:	
Severe to complete	10
Mild or moderate	0
8628 Neuritis.	
8728 Neuralgia.	
External cutaneous nerve of thigh.	
8529 Paralysis of:	
Severe to complete	10
Mild or moderate	0
8629 Neuritis.	
8729 Neuralgia.	
Ilio-inguinal nerve.	
8530 Paralysis of:	
Severe to complete	10
Mild or moderate	0
8630 Neuritis.	
8730 Neuralgia.	

[FR Doc. 89-28101 Filed 11-30-89; 8:45 am]  
BILLING CODE 8320-01-M

**38 CFR Part 21**

**RIN 2900-AD63**

**Veterans Education; Veterans' Employment, Training and Counseling Amendments of 1988**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final regulations.

**SUMMARY:** The Veterans' Employment, Training and Counseling Amendments of 1988 contain several provisions which affect the Department of Veterans Affairs' (VA's) relationships with the State approving agencies (SAAs), and other provisions which affect the administration of the Veterans' Job Training Act (VJTA). This proposal will

better inform the public how VA intends to implement these provisions of law.

**EFFECTIVE DATES:** The amendments dealing with the duties of the Contracting Officer (§ 21.4154(f)) are effective November 3, 1989. VA is making all the other amendments to §§ 21.4150, 21.4151, 21.4152, 21.4153, 21.4154 and 21.7200, like the provisions of law they implement, retroactively effective on May 20, 1988. VA is making § 21.4155, like the provisions of law it implements, retroactively effective on May 20, 1988. VA is making the amendments to §§ 21.4612, 21.4622, 21.4630 and 21.4632, like the provisions of law they implement, retroactively effective on July 19, 1988. VA is making §§ 21.4623 and 21.4631 like the provisions of law they implement retroactively effective on July 19, 1988.

**FOR FURTHER INFORMATION CONTACT:** William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225C), Vocational Rehabilitation and Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

**SUPPLEMENTARY INFORMATION:** On pages 21230 through 21234 of the Federal Register of May 17, 1989, there was published a notice of intent to amend 38 CFR part 21 in order to implement several provisions of the Veterans' Employment, Training and Counseling Amendments of 1988. Interested people were given 28 days to submit comments, suggestions or objections.

VA received one letter concerning the proposal from an official of a State approving agency. The official commended VA for the way in which the provisions were written.

During an internal review VA noted that previous language which indicated that the Director of a VA field facility could withhold reimbursement from a State approving agency was inadvertently carried forward from the version of 38 CFR 21.4153(f) which has long been in effect. VA has recently decided to delegate this authority to the Contracting Officer rather than to the Director of a VA field facility. The final regulation reflects this. VA is making all the other regulations in the proposal final without change. VA finds that good cause exists for making the amendments to §§ 21.4153 and 21.4154 (other than those dealing with the duties of the Contracting Officer) and all the amendments to §§ 21.4150, 21.4151, 21.4152 and 21.7200 as well as the entire § 21.4155, like the



sections of the law they implement, retroactively effective on May 20, 1988. VA finds that good cause exists for making the amendments to §§ 21.4612, 21.4622, 21.4630 and 21.4632 as well as the entire §§ 21.4623 and 21.4631, like the provisions of law they implement, retroactively effective on July 19, 1988. To achieve the maximum benefit of this legislation for the affected individuals, State approving agencies and employers, it is necessary to implement these provisions of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of services to a veteran who is otherwise entitled to them.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

This certification can be made because §§ 21.4150, 21.4151, 21.4152, 21.4153, 21.4154 and 21.7200 affect only State approving agencies, and so have no economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

On the other hand, the amendment to § 21.4622(a)(3) requires each employer to certify that the participating veteran will be provided with the full opportunity to participate in a personal interview with his or her case manager during the normal work day. This will have an economic effect on small entities.

If the interview is not made part of the training program, the employer could choose not to pay the trainee during the time he or she is being interviewed. In this situation the economic effect would consist of a possible loss of production while the trainee was being interviewed.

The employer could also choose to

pay the trainee during the time he or she is being interviewed. The economic effect in this instance would be somewhat greater since VA would reimburse the employer for only one-half of the veteran's wage.

However, since the average starting wage paid to veterans training under VJTA is less than \$10 per hour, and an interview would last, at most a few hours, VA does not believe that the economic impact would be significant. Furthermore, since the amended regulation is based upon the law, any economic impact would be caused by the underlying law.

In addition, some economic impact could potentially result from § 21.4623. That regulation permits VA to disapprove payments on behalf of new participants in a job training program if the percentage of veterans who successfully complete the program is disproportionately low due to deficiencies in the quality of the program. There is no evidence, however, indicating that repeated unsuccessful completion of training programs is a widespread problem. Furthermore, in order to give employers ample opportunity to demonstrate that a training program does not have a disproportionately low completion rate, the proposed regulation would generally allow the employer the opportunity to train at least five veterans in the program before the VA will examine the completion rate. Many programs have not yet had five trainees. Therefore, VA does not think that the regulations will have a significant economic impact upon a substantial number of small entities.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these regulations are 64.111, 64.117, 64.120, 64.121 and 64.124.

#### List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: November 3, 1989.

Edward J. Derwinski,  
Secretary.

38 CFR part 21, Vocational Rehabilitation and Education, is amended as follows:

#### PART 21—[AMENDED]

1. In § 21.4150, paragraph (c) is revised to read as follows:

##### § 21.4150 Designation.

\* \* \* \* \*

(c) The provisions of 38 U.S.C. chapter 36 and the sections in this part which refer to the State approving agency will, with respect to a State, be deemed to refer to VA when that State:

(1) Does not have and fails or declines to create or designate a State approving agency, or

(2) Fails to enter into an agreement as provided in § 21.4153 of this part.

(Authority: 38 U.S.C. 1771(b)(1))

\* \* \* \* \*

2. In § 21.4151, paragraph (b) is revised to read as follows:

##### § 21.4151 Cooperation.

\* \* \* \* \*

(b) *State approving agency responsibilities.* State approving agencies are responsible for:

(1) Inspecting and supervising schools within the borders of their respective States;

(2) Determining those courses which may be approved for the enrollment of veterans and eligible persons;

(3) Ascertaining whether a school at all times complies with its established standards relating to the course or courses which have been approved; and

(4) Under an agreement with VA rendering services and obtaining information necessary for the Secretary's approval or disapproval under chapters 30 through 36, title 38, United States Code and chapters 106 and 107, title 10, United States Code, of courses of education offered by any agency or instrumentality of the Federal Government within the borders of their respective States.

(Authority: 38 U.S.C. 1772, 1773, 1774; Pub. L. 100-323)

3. In § 21.4152, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

##### § 21.4152 Control by agencies of the United States.

(a) *Control of educational institutions and State agencies generally prohibited.* Except as provided in § 21.4155 of this part, no department, agency, or officer of the United States will exercise any supervision or control over any State approving agency or State educational agency, or any educational institution.

(Authority: 38 U.S.C. 1782; Pub. L. 100-323)

(b) *Authority retained by VA.* The provisions of paragraph (a) of this section do not restrict authority conferred on VA.

\* \* \* \* \*

4. In § 21.4153, paragraph (c)(2)(iii) is removed, paragraphs (c)(2)(i) and (c)(2)(ii) are redesignated as paragraphs



(c)(2)(ii) and (c)(2)(iii) respectively; paragraphs (a)(1), (c)(4)(ii), and (f) are revised and new paragraph (c)(2)(i) is added, so the revised and added text reads as follows:

**§ 21.4153 Reimbursement of expenses.**

(a) \* \* \*

(1) *Scope of contracts.* (i) If a State or local agency requests payment for service contemplated by law, and submits information prescribed in paragraph (e) of this section, VA will negotiate a contract or agreement with the State or local agency to pay (subject to available funds and acceptable annual evaluations) reasonable and necessary expenses incurred by the State or local agency in—

(A) Determining the qualifications of educational institutions and training establishments to furnish programs of education to veterans and eligible persons,

(B) Supervising educational institutions and training establishments, and

(C) Furnishing any other services VA may request in connection with the law governing VA education benefits.

(ii) VA will take into account the results of annual evaluations carried out under § 21.4155 of this part when negotiating the terms and conditions of the contract or agreement.

(Authority: 38 U.S.C. 1774, 1774(a); Pub. L. 100-323)

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(i) Reimbursement will be made under the terms of the contract for travel of personnel engaged in activities in connection with the inspection, approval or supervision of educational institutions, including—

(A) Travel of personnel attending training sessions sponsored by VA and the State approving agencies.

(B) Expenses of attending out-of-State meetings and conferences only if the Director, Vocational Rehabilitation and Education Service, authorizes the travel.

(Authority: 38 U.S.C. 1774; Pub. L. 100-323)

\* \* \* \* \*

(4) \* \* \*

(ii) The Contracting Officer has approved the subcontract in advance.

(Authority: 38 U.S.C. 1774; Pub. L. 94-502, Pub. 95-902)

\* \* \* \* \*

(f) *Contract compliance.* Reimbursement under each contract or agreement is conditioned upon compliance with the standards and provisions of the contract and the law. If the Contracting Officer determines that the State has failed to comply with the

standards or provisions of the law or with terms of the reimbursement contract, he or she will withhold reimbursement for claimed expenses under the contract. If the State disagrees, the State may request the Contracting Officer to reconsider his or her decision or may initiate action under the Disputes clause of the contract. See 48 CFR 801.602.

(Authority: 38 U.S.C. 1774)

\* \* \* \* \*

5. In § 21.4154, paragraphs (a) and (b)(2) are revised to read as follows:

**§ 21.4154 Report of activities.**

(a) *State approving agencies must report their activities.* Each State approving agency entering into a contract or agreement under § 21.4153 of this part must submit a report of its activities to VA. The report may be submitted monthly or quarterly by the State approving agency as provided in the contract or agreement.

(Authority: 38 U.S.C. 1774; Pub. L. 100-323)

(b) \* \* \*

(2) Shall detail the activities of the State approving agencies under the agreement or contract during the preceding month or quarter, as appropriate;

(3) May include, at the option of the State approving agency a cumulative report of its activities from the beginning of the fiscal year to date;

(Authority: 38 U.S.C. 1774; Pub. L. 100-323)

\* \* \* \* \*

6. Section 21.4155 is added to read as follows:

**§ 21.4155 Evaluations of State approving agency performance.**

(a) *Annual evaluations required.* (1) VA shall conduct in conjunction with State approving agencies an annual evaluation of each State approving agency. The evaluation shall be based on standards developed by VA with State approving agencies. VA shall provide each State approving agency an opportunity to comment upon the evaluation.

(2) VA shall take into account the result of the annual evaluation of a State approving agency when negotiating the terms and conditions of a contract or agreement as provided in § 21.4153(a) of this part.

(Authority: 38 U.S.C. 1774(a); Pub. L. 100-323)

(b) *Functional supervision of State approving agencies required.* VA shall exercise functional supervision over the provision of course-approval services by State approving agencies under this section.

(1) Functional supervision includes, but is not limited to:

(i) Providing technical assistance to State approving agency personnel with respect to carrying out their course-approval duties;

(ii) Checking for compliance with VA regulations regarding the provision of services under §§ 21.4150 through 21.4154 of this part; and

(iii) Bringing matters which require corrective action to the attention of State approving agency personnel who have authority over policy, procedures, and staff.

(2) Functional supervision does not include:

(i) Hiring, firing, disciplining or issuing directives to an employee of a State approving agency; and

(ii) Making regulations, changing procedure or establishing internal policies for a State approving agency.

(Authority: 38 U.S.C. 1774A; Pub. L. 100-323)

(c) *Development of a training curriculum.* (1) VA shall cooperate with State approving agencies in developing and implementing a uniform national curriculum, to the extent practicable, for—

(i) Training new employees of State approving agencies, and

(ii) Continuing the training of the employees of the State approving agencies.

(2) VA with the State approving agencies shall sponsor the training and continuation of training provided by this paragraph.

(Authority: 38 U.S.C. 1774A; Pub. L. 100-323)

(d) *Development, adoption and application of qualification and performance standards for employees of State approving agencies.* (1) VA shall:

(i) Develop with the State approving agencies prototype qualification and performance standards;

(ii) Prescribe those standards for State approving agency use in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement as provided in § 21.4153(a) of this part; and

(iii) Review the prototype qualification and performance standards with the State approving agencies no less frequently than once every five years.

(2) In developing and applying standards described in paragraph (d)(1) of this section, a State approving agency may take into consideration the State's merit system requirements and other local requirements and conditions.



However, no State approving agency may develop, adopt or apply qualification or performance standards that do not meet the requirements of paragraph (d)(3) of this section.

(3) The qualification and performance standards adopted by the State approving agency shall describe a level of qualification and performance which shall equal or exceed the level of qualification and performance described in the prototype qualification and performance standards developed by VA with the State approving agencies. The State approving agency may amend or modify its adopted qualification and performance standards annually as circumstances may require.

(4) VA shall provide assistance in developing these standards to a State approving agency that requests it.

(5) After November 19, 1989, each State approving agency carrying out a contract or agreement with VA under § 21.4153(a) shall:

(i) Apply qualification and performance standards based on the standards developed under this paragraph, and

(ii) Make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under § 21.4153(a) of this part.

(6) A State approving agency may not apply these standards to any person employed by the State approving agency on May 20, 1988, as long as that person remains in the position in which the person was employed on that date.

(Authority: 38 U.S.C. 1774 A(b); Pub. L. 100-323)

7. In § 21.4612, paragraph (c)(2) is revised to read as follows:

**§ 21.4612 Applications and certifications.**

(c) \*\*\*

(2) A certificate expires 90 days from the date on which it is furnished to the veteran.

(i) VA may renew a certificate or grant a further certificate for a veteran who has voluntarily terminated a job training program or who has been involuntarily terminated from a job training program only when:

(A) The provisions of paragraph (b) of this section are met, and

(B) The Department of Labor has assigned a case manager for the veteran.

(ii) VA may renew a certificate or grant a further certificate for any other veteran when the provisions of paragraph (b) of this section are met.

(iii) A renewed certificate or further certificate expires 90 days from the date on which it is furnished to the veteran.

(Authority: Pub. L. 98-77, sec. 5, Pub. L. 98-543, sec. 212, Pub. L. 100-323, sec. 11)

8. In § 21.4622, paragraphs (a)(3) introductory text and (a)(3) (xv) and (xvi) are revised, and paragraphs (a)(3) (xvii) and (xviii) are added, so the revised and added text reads as follows:

**§ 21.4622 Employer applications for approval.**

(a) \* \* \*

(3) In applying for approval of a job training program in the form prescribed by the Secretary of Veterans Affairs, the employer will certify:

\* \* \* \* \*

(xv) That the employer, before the veteran's entry into training will:

(A) Furnish the veteran with a copy of the certification described in this paragraph, and

(B) Obtain and retain the veteran's signed acknowledgement of having received the certification;

(xvi) That the employer is in compliance with the following laws and all Federal Regulations adopted pursuant to those laws:

(A) Title VI of the Civil Rights Act of 1964;

(B) Title IX of the Education Amendments of 1972;

(C) Section 504 of the Rehabilitation Act of 1973; and

(D) The Age Discrimination Act of 1975;

(xvii) That the employer will provide each participating veteran for whom a case manager has been assigned by the Department of Labor with the full opportunity to participate in a personal interview with the veteran's case manager during the veteran's normal work day; and

(xviii) The information the employer is required to certify under part 44 of this chapter concerning nonprocurement debarment and suspension.

(Authority: Pub. L. 98-77, secs. 6 and 7, Pub. L. 100-323, sec. 11; 20 U.S.C. 1681; 29 U.S.C. 794; 42 U.S.C. 2000d-1, 42 U.S.C. 6102)

\* \* \* \* \*

9. Section 21.4623 is added to read as follows:

**§ 21.4623 Disapproval of new program entries.**

(a) *Payments on behalf of new participants may be disapproved.* The Director of a VA field facility, or the Director, Vocational Rehabilitation and Education Service, as appropriate, may disapprove entry into an employer's job training program under the Veterans' Job Training Act, by veterans who had not begun the job training program on the date of notice to the employer of such disapproval when the Director finds that the rate of veterans'

successful completion of the job training program is disproportionately low as a result of deficiencies in the quality of the job training program.

(Authority: Pub. L. 98-77, sec. 11, Pub. L. 100-323, sec. 11(b))

(b) *Deficiencies in the job training program.* (1) In determining whether any completion rate is disproportionately low because of deficiencies in the quality of a job training program VA will take into account appropriate data including—

(i) Quarterly data provided by the Secretary of Labor with respect to:

(A) The number of veterans who:

(1) Receive counseling in connection with training under the Veterans' Job Training Act, and

(2) Participate in job training under the Veterans' Job Training Act,

(B) The reasons for veterans' failure to complete job training under the Veterans' Job Training Act; and

(C) Data compiled through the particular employer's compliance survey.

(Authority: Pub. L. 98-77, sec. 11(b), Pub. L. 100-323, sec. 11)

(c) *Successful completion rate for job training programs.* VA will determine whether the successful completion rate for a job training program is disproportionately low as follows.

(1) VA will determine the number of veterans who have either completed the job training program or terminated that program either voluntarily or involuntarily. If this number is four or less, VA will consider that the completion rate of the job training program is not disproportionately low unless there is strong evidence to the contrary.

(2) If the number determined in paragraph (c)(1) of this section is five or more or if the number is less than five and there is strong evidence that there are deficiencies in the quality of the program, VA will:

(i) Calculate a percentage by dividing the number of veterans who have completed the job training program by the number of veterans who have either completed that program or terminated that program;

(ii) Calculate a second percentage by dividing the number of veterans who have ever completed any job training program approved for veterans' training under the Veterans' Job Training Act by the number of veterans who have either completed one of these job training programs or terminated one of these job training programs; and



(iii) Compare the two percentages. If the percentage determined in paragraph (c)(2)(i) of this section is less than one-half the percentage determined in paragraph (c)(2)(ii) of this section, the successful completion rate of the job training program is low, and shall be considered with the data described in paragraph (b) of this section in determining whether it is disproportionately low.

(Authority: Pub. L. 98-77, sec. 11(b), Pub. L. 100-323, sec. 11)

(d) *Notification.* If after considering the data described in paragraphs (b) and (c) of this section the Director of the VA field activity, or the Director, Vocational Rehabilitation and Education Service, as appropriate, determines that new entries in a program of job training under the Veterans' Job Training Act should be disapproved, as provided in paragraph (a) of this section, he or she shall notify the employer of the disapproval. The notice shall be by certified or registered letter, return receipt requested, and shall include:

(1) A statement of the reasons for VA's action, and

(2) Notice of the employer's right to appeal to the Board of Veterans' Appeals, and the right to a hearing.

(Authority: Pub. L. 98-77, sec. 11, Pub. L. 100-323, sec. 11(b))

(e) *Period of disapproval.* (1) A disapproval as described in paragraph (a) of this section shall remain in effect until the Director of the VA field facility of jurisdiction or the Director, Vocational Rehabilitation and Education Service, as appropriate, determines that the employer has taken adequate remedial action.

(2) Payments will be made on behalf of new participants only for training which occurs after the date on which the Director determines that remedial action has been taken.

(Authority: Pub. L. 98-77, sec. 11, Pub. L. 100-323, sec. 11)

10. In § 21.4630, paragraph (c) is removed.

11. Section 21.4631 is added to read as follows:

**§ 21.4631 Job readiness skills development and counseling.**

(a) *Employment counseling services.* At the request of a veteran who is eligible to participate in a job training program, the VA will provide the veteran with employment counseling services to assist him or her in selecting a suitable job training program.

(Authority: Pub. L. 98-77, Pub. L. 100-323, sec. 14(a))

(b) *Job readiness skills development and counseling.*—(1) *Purpose.* The program of job readiness skills development and counseling services is designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable job training program under the Veterans' Job Training Act.

(2) *Eligibility.* A veteran with a valid certificate furnished pursuant to § 21.4612(c) of this part may participate in a program of job readiness skills development and counseling services if—

(i) Staff in the Department of Labor or the Department of Veterans Affairs as described in paragraph (b)(7) of this section find that the veteran needs such assistance, and

(ii) Funds are available to provide the veteran with a program of job readiness skills development and counseling services through contracts with appropriate service providers if the services needed cannot be furnished by VA or Department of Labor staff.

(3) *Scope of services.* (i) Job readiness skills development includes finding training and employment opportunities, completing job applications, functioning in an interview and other services and other assistance.

(ii) Counseling services include counseling services to assist in selecting suitable training opportunities and using appropriate methods of seeking, applying for and maintaining employment.

(4) *Providing services.* (i) VA and Department of Labor staff will provide job readiness skills development and counseling services to the veteran if such regular staff services are sufficient for the veteran to participate successfully in a job training program under the Veterans' Job Training Act.

(ii) If VA determines that the regular services of VA and Department of Labor staff are not sufficient for the veteran to participate successfully in a job training program under the Veterans' Job Training Act, the veteran may be placed in a program with service providers under contract to VA. This determination will be based upon a written certification by VA and Department of Labor staff of the need for assistance through a service provider under contract to VA.

(5) *Facilities with which contracts may be negotiated.* VA will enter into contracts only with established agencies, organizations, individuals and programs which have a demonstrated capacity to provide these services;

(6) *Approval of programs.* VA will approve programs of job readiness skills development and counseling in the same

manner as under §§ 21.290, 21.292 and 21.294 of this part.

(7) *Staff.* For the purposes of making the determinations required by paragraph (b)(2) of this section; providing job readiness skills development and counseling services and making the written certification of the need for assistance from a service provider required by paragraph (b)(4) of this section; the staff of VA and the Department of Labor is limited to—

(i) Counseling psychologists and vocational rehabilitation specialists in the Vocational Rehabilitation and Counseling Division of VA field facilities, or

(ii) Local Veterans' Employment Representatives and Disabled Veterans' Outreach Program Specialists in the State Employment agencies.

(Authority: Pub. L. 98-77, Pub. L. 100-323, sec. 14)

12. In § 21.4632, the heading, introductory text, and paragraph (e)(2) (i) and (ii) are revised to read as follows:

**§ 21.4632 Payment restrictions.**

VA shall not make payments to an employer if the job training program has not been approved as required by § 21.4622(b) of this part, or the veteran does not meet the eligibility requirements found in § 21.4610 of this part, or the provisions of § 21.4623 of this part prohibit payments to an employer on behalf of a veteran, or the payment would be for training subsequent to withdrawal of program approval under § 21.4624 of this part, or approval of a veteran's entrance into training must be withheld or denied due to a lack of funds. Payments made to employers on behalf of veterans in training shall be made in accordance with the provisions of this section.

(e) \* \* \*

(2) \* \* \*

(i) On behalf of any veteran who initially applies for a job training program after September 30, 1989;

(Authority: Pub. L. 98-543, sec. 212; Pub. L. 99-108; Pub. L. 99-238, sec. 201(e); Pub. L. 100-77, sec. 901(b); Pub. L. 100-227, Sec. 201; Pub. L. 100-323, sec. 17)

(ii) For any job training program which begins after March 31, 1990;

(Authority: Pub. L. 98-543, sec. 212; Pub. L. 99-108; Pub. L. 99-238, sec. 210(e); Pub. L. 100-77, sec. 901(b); Pub. L. 100-323, sec. 17)

13. In § 21.7200, paragraphs (d) and (e) are revised and paragraph (f) is added, so the revised and added text reads as follows:



**§ 21.7200 State approving agencies.**

(d) Section 21.4153—Reimbursement of expenses;

(e) Section 21.4154—Report of activities; and

(f) Section 21.4155—Evaluation of State approving agency performance.

(Authority: 38 U.S.C. 1434, 1770, 1771, 1772, 1773, 1774, 1774A; Pub. L. 98-525, Pub. L. 100-323)

[FR Doc. 89-28067 Filed 11-30-89; 8:45 am]

BILLING CODE 8320-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 799**

[OPTS-42088F; FRL 3661-8]

RIN 2070-AB94

**Office of Solid Waste Chemicals Test Rules; Technical Amendments**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document corrects a test rule under 40 CFR 799.5055 on hazardous waste constituents, published in the Federal Register of June 15, 1988 (53 FR 22300). This action is necessary to correct a Chemical Abstracts Service (CAS) number reference to trichloromethanethiol testing requirements.

**EFFECTIVE DATE:** December 1, 1989.

**FOR FURTHER INFORMATION CONTACT:**

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. E-543B, 401 M St., SW., Washington, DC 20460. (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** EPA is correcting 40 CFR 799.5055 (53 FR 22300) by correcting the hazardous waste constituent trichloromethanethiol CAS designation to 75-70-7 from the incorrectly listed CAS Number 594-42-3.

In accordance with section 4(a) of the Toxic Substances Control Act (TSCA), a rule was promulgated under 40 CFR 799.5055 (53 FR 22300; June 15, 1988) to require health effects and/or chemical fate testing for 24 chemicals that are hazardous waste constituents. One of these chemicals, trichloromethanethiol was designated for hydrolysis testing, soil adsorption testing and subchronic testing.

EPA, in response to an August 1989 telephone inquiry from DuPont, reviewed the CAS Number designation

made in the final rule publication in the Federal Register. From this review, EPA determined that the correct CAS Number was 75-70-7. EPA also determined that the transposition of the incorrect CAS Number was apparently made at the time of the preparation of the original candidate testing list from the RCRA Hazardous Wastes List (40 CFR part 261 Appendix VIII.).

Because the error in CAS Number designation was the result of a transcription error by EPA, public comment is not necessary. The chemical name has been correctly identified in the OSW Final Test Rule so that there should have been no confusion as to the identity of the chemical to be tested. EPA finds that making this deletion effective immediately will relieve administrative and testing burdens, and that good cause exists to make the amendment immediately effective.

Accordingly, the table in 40 CFR 799.5055(c) is corrected by deleting the entries for "Trichloromethanethiol, CAS No. 594-42-3" and replacing them with "Trichloromethanethiol, CAS No. 75-70-7".

**Other Regulatory Requirements****A. Executive Order 12291**

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this technical amendment is not major because it does not meet any of the criteria set forth in section 1(b) of the Order; i.e., it will not have an annual effect on the economy of at least \$100 million, will not cause a major increase in prices, and will not have significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

**B. Regulatory Flexibility Act**

Under the Regulatory Flexibility Act (15 U.S.C. 601, *et seq.*, Pub. L. 96-354, September 19, 1980), EPA is certifying that this technical amendment will not have a significant impact on a substantial number of small businesses because the chemical name has been correctly identified in the OSW Final Test Rule so that there should have been no confusion as to the identity of the chemical to be tested.

**C. Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA has determined that there are not any "collection of information" requirements as result of this amendment to the rule. Therefore, this technical amendment was not submitted to OMB for approval.

**List of Subjects in 40 CFR Part 799**

Chemicals, Chemical exports, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Testing.

Dated: November 22, 1989.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 799 is amended as follows:

**PART 799—[AMENDED]**

1. The authority citation continues to read as follows:

Authority: 15 U.S.C. 2603.

2. In § 799.5055(c) by revising the entry for "Trichloromethanethiol" to read as follows:

**§ 799.5055 Hazardous waste constituents to testing.**

\*\*\*  
(c) \*\*\*

Chemical name	CAS No.	Required testing under paragraphs (d) and (e) of this section
Trichloromethanethiol .....	75-70-7.	(d)(1), (2), (e)(1)

[FR Doc. 89-28172 Filed 11-30-89; 8:45 am]  
BILLING CODE 5560-50-D

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Public Land Order 6757**

[NM-940-00-4214-10; NM NM 015227]

**Partial Revocation of Public Land Order No. 1038; New Mexico**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes a public land order insofar as it affects 24,687 acres of National Forest land withdrawn for use by the U.S. Forest Service in connection with the Southwestern Congregation Churches Organization Camp and Recreation Area in the Gila National Forest. The land is no longer needed for the purpose for which it was withdrawn. The land is included in a



proposed exchange involving the U.S. Forest Service and Camp Thunderbird Association, Inc. This action will open the land to surface entry, mining, and the mineral leasing laws, except for oil and gas leasing. The land has been and will remain open to oil and gas leasing. This order lifts the no surface occupancy for oil and gas leasing.

**EFFECTIVE DATE:** January 2, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Clarence F. Hougland, BLM New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87504-1449, 505-988-6071.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1038, which withdrew land for a U.S. Forest Service recreation area, is hereby revoked insofar as it affects the following described land:

**New Mexico Principal Meridian**

T. 15 S., R. 12 W.,

Sec. 36, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ N  
E $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$   
NE $\frac{1}{4}$ .

The area described contains 24.687 acres in Grant County.

2. At 9 a.m. on January 2, 1990, the land will be opened to such forms of disposition as may by law be made of National Forest land, including location and entry under the United States mining laws. The no surface occupancy for oil and gas leasing is lifted. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: November 17, 1989.

David C. O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 89-28127 Filed 11-30-89; 8:45 am]

BILLING CODE 4310-FB-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 88-621; RM-6519]

### Radio Broadcasting Services; Beeville, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 250C2 for Channel 250A at Beeville, Texas, and modifies the license of Station KYTX(FM) to specify operation on the higher class co-channel, as requested by Hamon Broadcasting, Inc. See 54 FR 5983, February 7, 1989. This action provides Beeville and the surrounding area with enhanced FM service. A site restriction of at least 21.7 kilometers (13.5 miles) west of the community is required in order to comply with Section 73.207 of the Commission's Rules. The petitioner's specified site coordinates are 28-24-00 and 98-01-00, which is located 26.5 kilometers (16.4 miles) west of the city. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** January 8, 1990.

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 88-621, adopted November 8, 1989, and released November 22, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

### § 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments is amended, under Texas, by

removing Channel 250A and adding Channel 250C2 at Beeville.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-28120 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Parts 43 and 64

[CC Docket No. 86-182; FCC 89-296]

### Automated Reporting Requirements for Certain Class A and Tier 1 Telephone Companies

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission has denied USTA's Petition for Reconsideration and/or clarification of the filing date for Table I of FCC Form 495A, Forecast of Investment Usage Report (Forecast Report), established in the *ARMIS Order*.<sup>1</sup> However, the Commission agreed that the current rules lack sufficient clarity and it modified §§ 43.21(e) and 64.901(b)(4) to change the identification of the filing date and to define the three-year forecast period covered by the Forecast Report.

**EFFECTIVE DATE:** January 2, 1990.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jan Frenette or Alicia Dunnigan, Accounting and Audits Division, Common Carrier Bureau, at (202) 634-1861.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order on Further Reconsideration, CC Docket No. 86-182, adopted October 24, 1989 and released November 21, 1989.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037 (202) 857-3800.

<sup>1</sup> Automated Reporting Requirements for Certain Class A and Tier 1 Telephone Companies (Parts 31, 43, 67 and 69 of the FCC's Rules), 2 FCC Rcd 5770 (1987) (*ARMIS Order*), modified on recon., 3 FCC Rcd 6375 (1988) (*ARMIS Reconsideration Order*).



### Summary of Order on Further Reconsideration

1. The United States Telephone Association (USTA) filed a petition for clarification and/or further reconsideration of the filing date for Table I of FCC Form 495A, Forecast of Investment Usage Report (Forecast Report). The Forecast Report monitors the Commission's requirement that carriers allocate investment in network plant between regulated and nonregulated activities based on the forecasted relative use of plant over a three-year period. The Forecast Report consists of three tables and is currently required to be filed annually at the same time that the cost support materials required by the Tariff Review Plan (TRP) are filed. The next filing date for the TRP and the Forecast Report is April 1, 1990. USTA requested that Table I of the Forecast Report be filed annually on December 31 rather than on April 1. USTA suggested that an acceptable alternative would be to continue to file all three tables concurrently with the TRP but with the forecast period covering the current calendar year plus the following two years.

2. USTA argued that the current filing date for Table I creates an inconsistency between the Commission requirement that shared investment be forecast over a three-year period and the requirements for access charge filings. USTA based its assertion on the fact that the TRP (and hence the forecast of investment) is to be filed on April 1, and, therefore, the carriers must forecast usage for the "three consecutive years following the effective date of the current annual access charge filing."<sup>2</sup> Because the next access tariff filing will be on April 1, 1990, for the period July 1, 1990, through June 30, 1991, USTA argued that carriers must forecast for four years (through 1993) in order to comply with that Commission requirement.

3. The Commission disagreed that the current filing date for any part of the 495A Forecast Report should be changed. However, the Commission agreed that the current rules do not establish with sufficient clarity the date on which the three-year forecast commences. The Commission amended

its rules so that the first year of the forecast period is the calendar year during which the forecast is filed, with the balance of the forecast period being the following two calendar years. The Commission also changed the identification of the filing date from the date upon which the TRP is filed to April 1 of each calendar year.

### Paperwork Reduction Act

4. The Change contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours on the public.

### Ordering Clauses

5. Accordingly, it is ordered, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. Section 154(i) and 405, That the United States Telephone Association's petition for Clarification and/or further reconsideration herein is denied, except to the extent set forth above.

6. It is further ordered, pursuant to sections 4(i) and 4(j), 201-205, 219 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201-205, 219 and 220 that Parts 43 and 64 of the Commission's Rules are amended, as set forth below, effective 30 days from publication of the text thereof in the Federal Register.

### List of Subjects

#### 47 CFR Part 43

Communications, Common Carriers, Reporting Requirements.

#### 47 CFR Part 64

Miscellaneous rules relating to common carriers, allocation of costs.

Federal Communications Commission.  
Donna R. Searcy,  
Secretary.

Parts 43 and 64 of title 47 of the CFR are amended as follows:

### PART 43—[AMENDED]

1. The authority citation for part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. Section 43.21(e) is revised to read as follows:

#### § 43.21 Annual reports of carriers and affiliates.

\* \* \* \* \*

(e) Each communications common carrier required by order to file a manual allocating its costs between regulated and nonregulated operations shall file, on or before April 1:

(1) A three-year forecast of regulated and nonregulated use of network plant for the current calendar year and the two calendar years following, and investment pool projections and allocations for the current calendar year; and

(2) A report of the actual use of network plant investment for the prior calendar year.

\* \* \* \* \*

### PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 48 Stat. 1077; 47 U.S.C. 201, 218, unless otherwise noted.

2. Section 64.901(b)(4) is revised to read as follows:

#### § 64.901 Allocation of costs.

\* \* \* \* \*

(b) \* \* \*

(4) The allocation of central office equipment and outside plant investment costs between regulated and nonregulated activities shall be based upon the relative regulated and nonregulated usage of the investment during the calendar year when nonregulated usage is greatest in comparison to regulated usage during the three calendar years beginning with the calendar year during which the investment usage forecast is filed.

\* \* \* \* \*

[FR Doc. 89-28115 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

<sup>2</sup> See 47 CFR 64.901(b)(4).



# Proposed Rules

Federal Register

Vol. 54, No. 230

Friday, December 1, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 170

RIN 3150-AD23

### Revision of Fee Schedules: Radioisotope Licenses and Topical Reports

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations governing licensing fees for all topical reports and licensing and inspection fees for radioisotope licenses (small programs covered by parts 30, 40 and 70). The proposed amendments would (1) establish a ceiling of \$50,000 for topical report reviews, (2) update the schedule of fees for small radioisotope programs, including the addition of a fee for byproduct material applications for decommissioning, (3) change the cost per professional staff hour for all full-cost fees from \$86 to \$95 per hour based on the FY 1990 budget, (4) delete certain exemption provisions and clarify others for ease of administration, (5) add a new exemption provision to provide that Indian tribes and Indian organizations will be exempt from payment of fees and (6) request that bills in excess of \$5,000 be paid by electronic fund transfer in accordance with U.S. Department of the Treasury cash management initiatives. The proposed action is intended to more completely recover costs incurred by the Commission in providing services to identifiable recipients and to encourage the continued submittal of topical reports.

**DATES:** The comment period expires January 30, 1990. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Submit written comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852 between 7:45 am and 4:15 pm (Telephone 301-492-1966).

Copies of comments received may be examined at the NRC Public Document Room at 2120 L Street NW., Washington, DC 20555, in the lower level of the Gelman Building.

The NRC will hold a public meeting on January 8, 1990 in Region I at 1:00 pm, Sheraton-Radisson Hotel, Erie Room, 1200 First Avenue, King of Prussia, Pennsylvania, and a public meeting on January 11, 1990 in Region III at 1:00 pm, Holiday Inn, 5440 North River Road, Rosemont, Illinois, to discuss the proposed changes and answer any questions.

The agency workpapers which support these proposed changes to 10 CFR 170 are available in the Public Document Room at 2120 L Street NW., Washington, DC, in the lower level of the Gelman Building.

**FOR FURTHER INFORMATION CONTACT:** Lee Hiller, Deputy Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-7351.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Proposed Action
- III. Section-by-Section Analysis
- IV. Environmental Impact: Categorical Exclusion
- V. Paperwork Reduction Act Statement
- VI. Regulatory Analysis
- VII. Regulatory Flexibility Certification
- VIII. Backfit Analysis
- IX. Subject terms

#### I. Background

On December 29, 1988, the Commission published its final amended regulations which revised the fee schedules contained in 10 CFR parts 170 and 171 (53 FR 52632). In the response to comments received on the published proposed rule, the Commission indicated that a portion of the 10 CFR part 170 fee schedule for certain small materials licenses is outdated and in need of revision (53 FR 52633). The Commission further stated that a rulemaking on this issue would be initiated in 1989.

Part 170 implements title V of the Independent Offices Appropriation Act

of 1952 (31 U.S.C. 9701). The fees assessed under part 170 recover the costs to the NRC of providing individually identifiable services to applicants for and holders of NRC licenses and approvals. The fees for radioisotope licenses issued under 10 CFR parts 30, 40 and 70 and for inspections of these licenses were last revised on May 21, 1984 (49 FR 21293). The 1984 revision was based on cost and professional staff hour data for fiscal year (FY) 1981. In the final rule published on December 29, 1988, the previous policy of charging inspection fees based on the routine inspection frequency for small materials programs was changed to provide for the assessment of fees for each inspection under 10 CFR 170.31.

#### II. Proposed Action

The Commission proposes to amend 10 CFR part 170 to update the licensing fees for materials licenses to more fully recover costs for application reviews and other services based on FY 1987 and FY 1988 licensing data. For inspection fees, the professional staff hours used in the 1984 rule to conduct an inspection have been maintained while the Commission explores ways to unify the fee categories with the Regulatory Information Tracking System (RITS) inspection categories and licensing program codes. Therefore the routine and nonroutine inspection fees have increased due to the change in the hourly rate only. It is proposed that the professional hourly rate of \$86 for FY 1989 shown in 10 CFR 170.20 will be revised to \$95 per hour based on the FY 1990 budget. (Note that the December 1988 rule revision did not apply the \$86 per hour charge to the materials fee schedule, but retained the 1981 rate of \$58 per hour.) In addition, it is proposed that a fee ceiling be reestablished for all topical reports.

#### III. Section-by-Section Analysis

The following section-by-section analysis of those sections affected provides additional explanatory information. All references are to title 10, chapter I, part 170, Code of Federal Regulations.

##### Section 170.3 Definitions

This section is revised to remove the paragraph designations for the definitions, arrange the definitions in



alphabetical order, and add definitions of "Indian organization" and "Indian tribe."

"Indian organization" means any commercial group, association, partnership, or corporation wholly owned or controlled by an Indian tribe. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

#### Section 170.11 Exemptions

Paragraph (a)(3) is being removed in its entirety. Fees for any byproduct, source or special nuclear materials licenses issued under 10 CFR part 30, 40, 70, or 71 that are considered to be incidental to operation of a nuclear reactor will be charged under respective materials fee category rather than under the 10 CFR part 50 reactor fee category as has been past practice. Therefore, for a special nuclear materials license or any other licenses which are required prior to operation of the reactor, e.g., startup sources, reactor fuel, or calibration or monitoring equipment, fees will be assessed under 10 CFR 170.31 rather than § 170.21. If an applicant possesses byproduct, source or special nuclear material for decontamination, inspection, repair, modification or testing of their reactor components, for which a license is required under the Commission's applicable materials regulations, fees will be assessed in accordance with 10 CFR 170.31.

Paragraph (a)(4) is changed to broaden the exemption for non-profit educational institutions to include certain activities (e.g., research) not covered by the current exemption. It would not include power reactor licenses and materials licenses which authorize human use, commercial distribution, or remunerated service to other persons or activities performed under a government contract. If a non-profit educational institution provides services to other persons without charge, the exemption would apply. The Commission has received several fee exemption requests from colleges and universities for licensed activities not covered by the current exemption. Additionally, this change is in keeping with the concern of Congress regarding the impact of the current schedule on some entities and their limited ability to pass through the costs of these charges to the ultimate consumer. Although the legislative history for annual fees contained in part 171 of this chapter discusses the option of considering modifications to these fee schedules for

hospitals, research and medical institutions and uranium producers, the Commission is continuing to limit this particular exemption to non-profit educational institutions.

Paragraph (a)(5) is changed, for clarification, to include certificates of compliance and other approvals.

Paragraph (a)(11) is added to provide that Indian tribes and Indian organizations will be exempt from license fees. Indian tribes are recognized as separate political entities similar to State governments. The Commission intends to exempt Indian tribes and wholly owned tribal commercial organizations conducting licensed activities on tribal lands from license fees in the same manner as it does States and governmental agencies.

#### Section 170.12 Payment of Fees

Paragraphs (a), (b), (c) and (d) are revised to more clearly distinguish the fee payment requirements for materials licenses and approvals not subject to full cost from the requirements for other licensed activities that are subject to full cost.

Paragraph (h) is being revised to indicate that (1) payments may also be made by electronic fund transfer (EFT) and (2) that were specific instructions regarding payment are provided on the bills, payment should be made accordingly. It is the intent of the Commission to request payment by electronic fund transfer of those bills which are in excess of \$5,000. This change is being made to encourage timely receipts and deposits in accordance with U.S. Department of the Treasury regulations relating to cash management initiatives.

#### Section 170.20 Average Cost Per Professional Staff-Hour

This section is modified to reflect an agency-wide professional staff-hour rate based on FY 1990 costs to the Agency. Accordingly, the proposed professional staff rate for the NRC for FY 1990 for all fee categories that are based on full cost is \$95 per hour, or \$166.8 thousand per FTE (professional staff year). For FY 1990, the budgeted obligations by direct program are: (1) Salaries and Benefits, \$196.4 million; (2) Administrative Support, \$87.95 million; (3) Travel, \$12.31 million, and (4) Program Support, \$178.34 million. In FY 1990, 1,618 FTEs are considered to be in direct support of NRC programs applicable to fees (see Table I). Of the total 3,180 FTEs, 1,562 FTEs will be considered overhead (supervisory and support) or exempted (due to their program function). Of these 1,562 FTEs, a total of 286 FTEs and the resulting \$26.8 million in support are

exempted from the fee base due to the nature of their functions (i.e., enforcement activities and other NRC functions currently exempted by Commission policy).

TABLE I.—ALLOCATION OF DIRECT FTEs BY OFFICE

Office	Number of direct FTEs <sup>1</sup>
NRR/SP.....	992.2
RESEARCH.....	155.0
NMSS.....	307.5
AEOD.....	93.1
ASLAP/ASLBP.....	22.2
ACRS.....	25.0
OGC.....	33.0
Total Direct FTE.....	1,618.0

<sup>1</sup> Regional employees are counted in the office of the program each supports.

In determining the cost for each direct labor FTE (an FTE whose position/function is such that it can be identified to a specific licensee or class of licensees) whose function, in the NRC's judgment, is necessary to the regulatory process, the following rationale is used:

1. All direct FTEs are identified by office.

2. NRC plans, budgets, and controls on the following four major categories (see Table II):

- (a) Salaries and Benefits.
- (b) Administrative Support.
- (c) Travel.
- (d) Program Support.

3. Program Support, the use of contract or other services for which the NRC pays for support from outside the Commission, is charged to various categories as used.

4. All other costs (i.e., Salaries and Benefits, Travel, and Administrative Support) represent "in-house" costs and are to be collected by allocating them uniformly over the total number of direct FTEs.

Using this method was described in the December 29, 1988 final rule (53 FR 52639) and the FY 1990 budget, and excluding budgeted Program Support obligations, the remaining \$269.9 million allocated uniformly to the direct FTEs (1,618) results in a calculation of \$166.8 thousand per FTE for FY 1990 (an hourly rate of \$95).

TABLE II.—FY 1990 BUDGET BY MAJOR CATEGORY  
[in Millions]

Salaries and benefits .....	\$196.40
Administrative support .....	87.95
Travel .....	12.31
Total nonprogram support obligations .....	296.66



TABLE II.—FY 1990 BUDGET BY MAJOR CATEGORY—Continued

[ \$ in Millions ]	
Program support.....	178.34
Total budget.....	475.0

The Direct FTE Productive Hourly Rate (\$95/hour rounded to the nearest whole dollar) is calculated by dividing the annual nonprogram support costs (\$296.66 million) less the amount applicable to exempted functions (\$26.8 million) by the product of the direct FTE (1,618 FTE) and the number of productive hours in one year (1,744 hours) as indicated in OMB Circular A-76, "Performance of Commercial Activities."

For subsequent fiscal years the professional staff-hour rate will be revised, as needed, using the same methodology to arrive at a new hourly rate as described above. Any changes in the staff-hour rate for future fiscal years will be published in the *Federal Register* prior to the beginning of the fiscal year for which they will become effective.

*Section 170.21 Schedule of Fees for Production and Utilization Facilities, Review of Standard Reference Design Approvals, Special Projects and Inspections*

Since the Commission decision (53 FR 52633; December 29, 1988) to remove the fee ceiling for topical reports reviews, the number of topical reports submitted for review has significantly decreased. It appears that the principal reason for the reduction in topical reports being submitted is the uncertain and potentially unlimited fee for NRC review of these reports. This is counterproductive to the agency because, in many cases, the regulatory effort gains significant benefit in terms of (1) the resolution of safety significant problems, and (2) the staff time saved by conducting a generic review of a topical item thereby saving extensive plant-by-plant review in the same or similar areas. Examples of beneficial topical initiatives are numerous. The recent B&W Owners Group decision to undertake a complete reassessment of all B&W reactor designs, thus eliminating a costly NRC review, saved time and produced a more complete technical review than could have been accomplished by NRC alone. Another example is the CE Owner's Group development of EP Guidelines for all of its units. This generic effort saves NRC costly review time assessing plant-by-

plant guidelines. These are just two of many examples where the public interest is served by an industry undertaking to resolve an issue. The surfacing of safety significant items stemming from the review of topical reports and the subsequent resource savings to the NRC, as well as the overall high level of technical competence available from industry, justifies NRC encouragement of industry submittal of these reports.

In conclusion, a balance must be maintained between the need to encourage industry submittal of these reports and the need to assess fees for the costs of reviewing the reports. The current system of charging a fee with no ceiling for NRC review of these reports appears to have had an inhibiting effect on the industry. As a result, the Commission is proposing to amend 10 CFR 170.21, Category J, Special Projects, to provide that the maximum fee for review of a topical report shall not exceed \$50,000 and any amendments, revisions, or supplements to topical reports shall not exceed \$50,000. This figure represents an adjustment of a previous ceiling of \$20,000 to reflect the effects of inflation and is an amount which approximates the median of topical report fees charged over \$20,000 thus far in 1989.

The professional hourly rate assessed for the services provided under the schedule is revised as shown in § 170.20. Footnote 2 of § 170.21 is revised to provide that the professional hours expended up to the effective date of this rule will be assessed at the professional rates established for the June 20, 1984 and January 30, 1989 rules, as appropriate. Any professional hours expended on or after the effective date of this rule will be assessed at the FY 1990 rates shown in this proposed rule.

*Section 170.31 Schedule of Fees for Materials Licenses and Other Regulatory Services*

The licensing and inspection fees in this section are modified to reflect the FY 1990 budgeted costs and to more completely recover costs incurred by the Commission in providing licensing and inspection services to identifiable recipients. It includes the addition of a category for decommissioning applications for byproduct material. After the effective date of this final rule, the fees shown in this proposed rule will apply to those decommissioning applications that are currently pending NRC review and subsequently filed applications.

Fee Category 3N is revised to include licenses which authorize leak test services, with a provision added that licenses which authorize leak test services and/or calibration services only will be subject to fee Category 3P. This revision is in response to Health Physics Associates' July 22, 1988 comment on the June 27, 1988 proposed revision to 10 CFR 170, other comments received from applicants and licensees since the inception of the June 1984 revision, and to supporting information provided by the Office of Nuclear Material Safety and Safeguards.

By letter dated July 19, 1988, Lixi, Inc. commented on the June 27, 1988 proposed rule that 10 CFR 170 should be revised to create a new category for diagnostic devices. Lixi believes doctors should be charged the same for medical use of the Lixi Imaging Scope as industrial users. At this time, it is not practical to make a separate category for each manufactured item. The fee Categories in 10 CFR 170.31 are based on the use of the material rather than specific types of products or equipment. In addition, in using the average-cost instead of the full-cost method for materials license fees, variations will exist between licenses grouped within a single category. However, in developing the current fee categories, every effort was made to group licenses in the most logical and equitable manner.

Many licenses which authorize human use of diagnostic devices also authorize other medical uses of byproduct, source, or special nuclear material. These licenses are currently subject to fee Category 7C. If a separate category existed for diagnostic devices only, these licenses could be subject to the fees in the new category in addition to the fees in Category 7C.

For these reasons, applications for human use of the Lixi Imaging Scope and other diagnostic devices will continue to be subject to fee Category 7C and industrial uses of the Lixi Imaging Scope will continue to be subject to fee Category 3P.

Fee Category 10B is changed from full-cost to flat fees. This change is based on an analysis of the actual staff-hours expended for the review and approval of the part 71 quality assurance programs.

Fee Category 12, Special Projects, is revised to provide that the maximum fee for review of a topical report and any amendments, revisions or supplements to topical reports shall not exceed \$50,000.



#### IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule revision is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental impact assessment has been prepared for this proposed revision.

#### V. Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### VI. Regulatory Analysis

The proposed revision was developed pursuant to Title V of the Independent Offices Appropriation Act of 1952 (IOAA) (32 U.S.C. 9701) and the Commission's fee guidelines. These guidelines took into account guidance provided by the U.S. Supreme Court on March 4, 1974, in its decision of *National Cable Television Association, Inc. v. United States*, 415 U.S. 336 (1974) and *Federal Power Commission v. New England Power Company*, 415 U.S. 345 (1974). In these decisions, the Court held that the IOAA authorizes an agency to charge fees for special benefits rendered to identifiable persons measured by the "value to the recipient" of the agency service. The meaning of the Independent Offices Appropriation Act of 1952 was further clarified on December 16, 1976, by four decisions of the Court of Appeals for the District of Columbia. *National Cable Television Association v. Federal Communications Commission*, 554 F.2d 1094 (1976); *National Association of Broadcasters v. Federal Communications Commission*, 554 F.2d 1118 (1976); *Electronic Industries Association v. Federal Communications Commission*, 554 F.2d 1109 (1976); and *Capital Cities Communication, Inc. v. Federal Communications Commission*, 554 F.2d 1135 (1976). These decisions of the Courts enabled the Commission to develop fee guidelines that are still used for cost recovery and fee development purposes.

The Commission's fee guidelines were upheld on August 24, 1979, when the U.S. Court of Appeals for the Fifth Circuit held in *Mississippi Power and Light Co. v. U.S. Nuclear Regulatory Commission*, 601 F.2d 223 (1979), cert. denied 44 U.S. 1102 (1980), that (1) the Nuclear Regulatory Commission had the authority to recover the full cost of providing services to identifiable

beneficiaries; (2) the NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure a licensee's compliance with the Atomic Energy Act and with applicable regulations; (3) the NRC could charge for costs incurred in conducting environmental reviews required by NEPA; (4) the NRC properly included in the fee schedule the costs of uncontested hearings and of administrative and technical support services; (5) the NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and (6) the NRC's fees were not arbitrary or capricious.

This proposed rule revision will not have significant impact on state and local governments and geographical regions; on health, safety, and the environment; or create substantial costs to licensees, the NRC, or other Federal agencies. The foregoing discussion constitutes the regulatory analysis for this proposed rule.

#### VII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980; 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. The proposed rule affects about 9,000 specific licenses under 10 CFR part 30-35, 40, 50, 60, 61, 70, 71, and 72. Approximately 8,000 of these licensees could be considered small entities, particularly in the area of materials licensing under parts 30-35. There is no annual recordkeeping burden imposed by the proposed rule.

The NRC does not believe that the increase in fees that would result from the adoption of this proposed rule would result in a significant economic impact on most materials licensees. The increase in the annual cost that would be imposed on these licensees would not be significant in terms of their gross annual receipts.

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The licensee's size and how the proposed regulation would result in a significant economic burden upon the licensee as compared to the economic burden on a larger licensee.

(b) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities.

(c) The benefits that would accrue, or the detriments that would be avoided, if

the proposed regulations were modified as suggested by the licensee.

(d) How the proposed regulation, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group.

#### VIII. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, that a backfit analysis is not required for it because these amendments do not require the modification of or addition to systems, structures, components or design of a facility or the design approval or manufacturing license for a facility or the procedures or organization required to design, construct or operate a facility.

#### List of Subjects in 10 CFR Part 170

Byproduct material, Nuclear materials, Nuclear power plants and reactors, Penalty, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 533, the NRC is proposing to adopt the following amendments to 10 CFR part 170.

#### PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for part 170 continues to read as follows:

Authority: 31 U.S.C. 9701, 96 Stat. 1051; sec. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201w); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 170.3, remove the paragraph designations for the definitions, arrange the definitions in alphabetical order, and add definitions of "Indian organization" and "Indian tribe" to read as follows:

#### § 170.3 Definitions.

"Indian organization" means any commercial group, association, partnership, or corporation wholly owned or controlled by an Indian tribe.

"Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided by the Secretary of the Interior because of their status as Indians.



3. In § 170.11, paragraph (a)(3) is removed and reserved; paragraphs (a)(4) and (a)(5) are revised and paragraph (a)(11) is added to read as follows:

**§ 170.11 Exemptions.**

(a) \* \* \*

(3) [Reserved]

(4) A construction permit or license applied for by, or issued to, a non-profit educational institution for a production or utilization facility, other than a power reactor, or for the possession and use of byproduct material, source material, or special nuclear material except for licenses which authorize (i) human use; (ii) remunerated services to other persons; (iii) distribution of byproduct material, source material, or special nuclear material or products containing byproduct material, source material, or special nuclear material; and (iv) activities performed under a Government agency contract.

(5) A construction permit, license, certificate of compliance, or other approval applied for by, or issued to, a Government agency, except for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b of the Atomic Energy Act of 1954, as amended.

\* \* \* \* \*

(11) A license for possession and use of byproduct material, source material, or special nuclear material or other approval applied for by or issued to an Indian tribe or an Indian organization conducting licensed activities on tribal lands.

\* \* \* \* \*

4. In § 170.12, paragraphs (a), (b), (c), (d) and (h) are revised to read as follows:

**§ 170.12 Payment of fees.**

(a) *Application fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. Applications for which no remittance is received will not be processed and may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License fees.* (1) Fees for applications for materials licenses not subject to full cost reviews must accompany the application when it is filed.

(2) Fees for applications for permits and licenses that are subject to fees based on the full cost of the reviews are payable upon notification by the Commission. Except as provided in

paragraph (b)(3) of this section, each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Commission until the review is completed. Each bill will identify the applications and costs related to each.

(3) For early site reviews issued under 10 CFR part 52, there is no application fee. Fees for the review of an application for an early site permit are deferred as follows: The permit holder shall pay the applicable fees for the permit at the time an application for a construction permit or combined license referencing the early site permit is filed. If, at the end of the initial period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit. Each bill will identify the applications and costs related to each.

(c) *Amendment fees and other required approvals.* (1) Amendment fees for materials licenses and approvals not subject to full cost reviews must accompany the application when it is filed.

(2) Fees for applications for license amendments, other required approvals and requests for dismantling, decommissioning and termination of licensed activities that are subject to full cost recovery are payable upon notification by the Commission. Each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Commission until the review is completed, except for amendment and other approvals for early site permits which will be billed in a deferred manner consistent with that addressed in paragraph (d)(4) of this section. Each bill will identify the applications and costs related to each.

(d) *Renewal fees.* (1) Renewal fees for materials licenses and approvals not subject to full cost reviews must accompany the application when it is filed.

(2) Fees for applications for renewals that are subject to the full cost of the review are payable upon notification by the Commission. Except as noted in paragraphs (d)(3) and (d)(4) of this section, each applicant will be billed at six-month intervals for all accumulated costs for each application that the applicant has on file for review by the Commission until the review is completed. Each bill will identify the applications and the costs related to each.

(3) Fees for review of an application

for renewal of a standard design certification shall be deferred as follows: The full cost of review for a renewed standard design certification must be paid by the applicant for renewal or other entity supplying the design to an applicant for a construction permit, combined license issued under part 52, or operating license, as appropriate, in five (5) equal installments. An installment is payable each of the first five times the renewed certification is referenced in an application for a construction permit, combined license, or operating license. The applicant for renewal shall pay the installment, unless another entity is supplying the design to the applicant for the construction permit, combined license, or operating license, in which case the entity shall pay the installment. If the design is not referenced, or if all costs are not recovered, within ten years after the date of renewal of the certification, the applicant for renewal shall pay the costs for the review of the application for renewal, or remainder of those costs, at that time.

(4) Fees for the review of an application for renewal of an early site permit shall be deferred as follows: The holder of the renewed permit shall pay the applicable fees for the renewed permit at the time an application for a construction permit or combined license referencing the permit is filed. If, at the end of the renewal period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit.

\* \* \* \* \*

(h) *Method of payment.* Fee payments shall be made by check, draft, money order or electronic fund transfer made payable to the U.S. Nuclear Regulatory Commission. Where specific payment instructions are provided on the bills to applicants or licenses, payment should be made accordingly, e.g., bills of \$5,000 or more will normally indicate payment by electronic fund transfer.

\* \* \* \* \*

5. Section 170.20 is revised to read as follows:

**§ 170.20 Average cost per professional staff-hour.**

Fees for permits, licenses, amendments, renewals, special projects, part 55 requalification and replacement examinations and tests, other required approvals and inspections under §§ 170.21 and 170.31 will be calculated based upon the full costs for the review using a professional staff rate per hour



equivalent to the sum of the average cost to the agency for a professional staff member, including salary and benefits, administrative support and travel. The professional staff rate for the NRC for FY 1990 is \$95 per hour. Subsequent changes to this rate will be published in the *Federal Register* prior to the fiscal year for which a new professional staff-hour rate is effective.

6. In § 170.21, Category J, Special Projects and Footnote 2 to the schedule are revised to read as follows:

**§ 170.21 Schedule of fees for production and utilization facilities, review of standard reference design approvals, special projects, and inspections.**

\* \* \* \* \*

**J. Special projects**

**Approvals:**

1. Topical reports.....	\$50,000
2. Amendments, revisions and supplements to topical reports.....	\$50,000
3. All other approvals, special projects and reports except those specified in 1 and 2 above.....	Full Cost

\* \* \* \* \*

<sup>2</sup> Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For those applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of this rule will be determined at the professional rates established for the June 20, 1984 and January 30, 1989 rule revisions, as appropriate. For those applications currently on file for which review costs have reached the applicable fee ceiling established by the June 20, 1984 rule, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings since January 29, 1989, will be assessed at the applicable rate established by § 170.20. In no event will the total review costs be less than \$150.

\* \* \* \* \*

7. Section 170.31 is revised to read as follows:

**§ 170.31 Schedule of fees for materials licenses and other regulatory services including inspections.**

Applicants for materials licenses and other regulatory services and holders of materials licenses shall pay fees for the following categories of services. This schedule includes fees for health and safety, and safeguards inspections, where applicable.

**SCHEDULE OF MATERIALS FEES**

(See footnotes at end of table)

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
<b>1. Special nuclear material:</b>	
A. Licenses for possession and use of 200 grams or more of plutonium in unsealed form or 350 grams or ore of contained U-235 in unsealed form or 200 grams or more of U-233 in unsealed form. This includes applications to terminate licenses as well as licenses authorizing possession only:	
Application.....	\$150.
License, Renewal, Amendment.....	Full Cost.
Inspections:	
Routine.....	Full Cost.
Nonroutine.....	Full Cost.
B. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI):	
Application.....	\$150.
License, Renewal, Amendment.....	Full Cost.
Inspections:	
Routine.....	Full Cost.
Nonroutine.....	Full Cost.
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers:	
Application—New license.....	\$420.
Renewal.....	\$420.
Amendment.....	\$310.
Inspections:	
Routine.....	\$380.
Nonroutine.....	\$1,100.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1A:	
Application—New license.....	\$570.
Renewal.....	\$570.
Amendment.....	\$190.
Inspections:	
Routine.....	\$570.
Nonroutine.....	\$670.
<b>2. Source material:</b>	
A. Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode:	
Application.....	\$150.
License, Renewal, Amendment.....	Full Cost.

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
Inspections:	
Routine.....	Full Cost.
Nonroutine.....	Full Cost.
B. Licenses for possession and use of source material for shielding, except as provided for in § 170.11(a)(8)	
Application—New license.....	\$100.
Renewal.....	\$100.
Amendment.....	\$100.
Inspections:	
Routine.....	\$240.
Nonroutine.....	\$290.
C. All other source material licenses:	
Application—New License.....	\$660.
Renewal.....	\$630.
Amendment.....	\$370.
Inspections:	
Routine.....	\$670.
Nonroutine.....	\$1,200.
<b>3. Byproduct material:</b>	
A. Licenses of broad scope for possession and use of byproduct material issued pursuant to parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.	
Application—New license.....	\$1,900.
Renewal.....	\$1,100.
Amendment.....	\$190.
Inspections: <sup>4</sup>	
Routine.....	\$1,700.
Nonroutine.....	\$1,800.
B. Other licenses for possession and use of byproduct material issued pursuant to part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.	
Application—New license.....	\$1,100.
Renewal.....	\$1,900.
Amendment.....	\$460.
Inspections: <sup>5</sup>	
Routine.....	\$860.
Nonroutine.....	\$1,600.
C. Licenses issued pursuant to §§ 32.72, 32.73, and/or 32.74 of part 32 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material:	
Application—New license.....	\$2,800.
Renewal.....	\$1,200.
Amendment.....	\$380.
Inspections:	
Routine.....	\$1,100.
Nonroutine.....	\$1,500.
D. Licenses and approvals issued pursuant to §§ 32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material:	
Application—New license.....	\$930.
Renewal.....	\$410.
Amendment.....	\$260.



Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>	Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>	Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
Inspections:		Inspections:		Amendment.....	\$330.
Routine.....	\$670.	Routine.....	\$380.	Inspections:	
Nonroutine.....	\$950.	Nonroutine.....	\$570.	Routine.....	\$570.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):		J. Licenses issued pursuant to subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter:		Nonroutine.....	\$570.
Application—New license.....	\$410.	Application—New license.....	\$2,100.	O. Licenses for possession and use of byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations:	
Renewal.....	\$390.	Renewal.....	\$480.	Application—New license.....	\$2,500.
Amendment.....	\$210.	Amendment.....	\$320.	Renewal.....	\$1,500.
Inspections:		Inspections:		Amendment.....	\$400.
Routine.....	\$380.	Routine.....	\$570.	Inspections:	
Nonroutine.....	\$570.	Nonroutine.....	\$570.	Routine.....	\$950.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:		K. Licenses issued pursuant to subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities by byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter:		Nonroutine.....	\$2,100.
Application—New license.....	\$950.	Application—New license.....	\$1,500.	P. All other specific byproduct material licenses, except those in Categories 4A through 9D:	
Renewal.....	\$330.	Renewal.....	\$770.	Application—New license.....	\$420.
Amendment.....	\$290.	Amendment.....	\$240.	Renewal.....	\$420.
Inspections:		Inspections:		Amendment.....	\$310.
Routine.....	\$480.	Routine.....	\$570.	Inspections:	
Nonroutine.....	\$1,000.	Nonroutine.....	\$570.	Routine.....	\$950.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes:		L. Licenses of broad scope for possession and use by byproduct material issued pursuant to parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution:		Nonroutine.....	\$950.
Application—New license.....	\$3,800.	Application—New license.....	\$1,900.	4. Waste disposal:	
Renewal.....	\$1,500.	Renewal.....	\$1,600.	A. Licenses specifically authorizing the receipt of waste byproduct material, source material or special nuclear material from other persons for the purpose of commercial disposal by land burial by the licensee; or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors; or licenses for treatment or disposal by incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material:	
Amendment.....	\$380.	Amendment.....	\$420.	Application.....	\$150.
Inspections:		Inspections:		License, renewal, amendment.....	Full Cost.
Routine.....	\$860.	Routine.....	\$760.	Inspections:	
Nonroutine.....	\$1,100.	Nonroutine.....	\$950.	Routine.....	Full Cost.
H. Licenses issued pursuant to subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter:		M. Other licenses for possession and use of byproduct material issued pursuant to part 30 of this chapter for research and development that do not authorize commercial distribution:		Nonroutine.....	Full Cost.
Application—New license.....	\$1,800.	Application—New license.....	\$930.	B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Renewal.....	\$870.	Renewal.....	\$930.	Application—New license.....	\$2,300.
Amendment.....	\$210.	Amendment.....	\$520.	Renewal.....	\$1,500.
Inspections:		Inspections:		Amendment.....	\$160.
Routine.....	\$570.	Routine.....	\$670.	Inspections:	
Nonroutine.....	\$570.	Nonroutine.....	\$760.	Routine.....	\$1,800.
I. Licenses issued pursuant to subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter:		N. Licenses that authorize services for other licensees, except (1) licenses that authorize calibration and/or leak testing services only are subject to the fees specified in fee Category 3P, and (2) licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C:		Nonroutine.....	\$1,300.
Application—New license.....	\$2,200.	Application—New license.....	\$1,100.	C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Renewal.....	\$890.	Renewal.....	\$670.	Application—New license.....	\$1,500.
Amendment.....	\$290.			Renewal.....	\$760.



Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2</sup>	Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2</sup>	Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2</sup>
<b>5. Well logging:</b>		Inspections:		3. All other approvals, special reports and reports except those specified in 1 and 2 above.	Full Cost.
A. Licenses specifically authorizing use of byproduct material, source material, or special material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies:		Routine.....	\$860.	Inspections.....	None.
Application—New license.....	\$2,800.	Nonroutine.....	\$1,200.	<b>13.</b>	
Renewal.....	\$1,700.	<b>8. Civil defense:</b>		A. Spent fuel storage cask Certificate of Compliance:	
Amendment.....	\$450.	A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities:		Application.....	\$150.
Inspections:		Application—New license.....	\$480.	Approvals.....	Full Cost.
Routine.....	\$670.	Renewal.....	\$330.	Amendments, revisions and supplements.....	Full Cost.
Nonroutine.....	\$670.	Amendment.....	\$260.	Reapproval.....	Full Cost.
<b>B. Licenses for possession and use of byproduct material for field flooding tracer studies:</b>		Inspections:		<b>B. Inspections related to spent fuel storage cask Certificate of Compliance:</b>	
Application.....	\$150.	Routine.....	\$570.	Routine.....	Full Cost.
License, renewal, amendment.....	Full Cost.	Nonroutine.....	\$570.	Nonroutine.....	Full Cost.
Inspections:		<b>9. Device, product or sealed source safety evaluation:</b>		<b>C. Inspections related to storage of spent fuel under § 72.210 of part 72 of this chapter:</b>	
Routine.....	\$570.	A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution:		Routine.....	Full Cost.
Nonroutine.....	\$860.	Application—each device.....	\$2,700.	Nonroutine.....	Full Cost.
<b>6. Nuclear laundries:</b>		Amendment—each device.....	\$950.	<b>14. Byproduct, source or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation or site restoration activities pursuant to 10 CFR parts 30, 40, 70 and 72:</b>	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material:		Inspections.....	None.	Application.....	\$150.
Application—New license.....	\$1,100.	<b>B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by a single applicant, except reactor fuel devices:</b>		Approval, Renewal, Amendment.....	Full Cost.
Renewal.....	\$1,100.	Application—each device.....	\$1,300.	Inspection:	
Amendment.....	\$290.	Amendment—each device.....	\$480.	Routine.....	Full Cost.
Inspections:		Inspections.....	None.	Nonroutine.....	Full Cost.
Routine.....	\$950.	<b>C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution:</b>			
Nonroutine.....	\$1,500.	Application—each source.....	\$570.		
<b>7. Human use of byproduct, source, or special nuclear material:</b>		Amendment—each source.....	\$190.		
A. Licenses issued pursuant to parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:		Inspections.....	None.		
Application—New license.....	\$2,700.	<b>D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by a single applicant, except reactor fuel:</b>			
Renewal.....	\$660.	Application—each source.....	\$290.		
Amendment.....	\$350.	Amendment—each source.....	\$100.		
Inspections:		Inspections.....	None.		
Routine.....	\$950.	<b>10. Transportation of radioactive material:</b>			
Nonroutine.....	\$1,500.	A. Evaluation of casks, packages, and shipping containers:			
<b>B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:</b>		Application.....	\$150.		
Application—New license.....	\$1,900.	Approval, Renewal, Amendment.....	Full Cost.		
Renewal.....	\$1,600.	Inspections.....	None.		
Amendment.....	\$300.	<b>B. Evaluation of part 71 quality assurance programs:</b>			
Inspections:		Application-Approval.....	\$190.		
Routine.....	\$1,300.	Renewal.....	190.		
Nonroutine.....	\$1,400.	Amendment.....	190.		
<b>C. Other licenses issued pursuant to parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:</b>		Inspections.....	None.		
Application—New license.....	\$590.	<b>11. Review of standardized spent fuel facilities:</b>			
Renewal.....	\$860.	Application.....	\$150.		
Amendment.....	\$350.	Approval, Renewal, Amendment.....	Full Cost.		
		Inspections.....	None.		
		<b>12. Special projects:</b>			
		Application.....	\$150.		
		Approval:			
		1. Topical reports.....	\$50,000.		
		2. Amendments, revisions and supplements to topical reports.....	\$50,000.		

<sup>1</sup> Types of fees—Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, amendments and renewals to existing licenses and approvals, and inspections. The following guidelines apply to these charges:

(a) *Application fees*—Applications for new materials licenses and approvals or those applications filed in support of expired licenses and approvals must be accompanied by the prescribed application fee for each category, except that applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(b) *License/approval fees*—For new licenses and approvals issued in fee Categories 1A, 1B, 2A, 4A, 5B, 10A, 11, 12, 13A and 14, the recipient shall pay the license or approval fee as determined by the Commission in accordance with § 170.12(b), (e), and (f).

(c) *Renewal/reapproval fees*—Applications for renewal of materials licenses and approvals must be accompanied by the prescribed renewal fee for each category, except that applications for renewal of licenses and approvals in fee Categories 1A, 1B, 2A, 4A, 5B, 10A, 11, 12, 13A and 14 must be accompanied by an application fee of \$150, with the balance due upon notification by the Commission in accordance with the procedures specified in § 170.12(d).

(d) *Amendment fees*—Applications for amendments must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to a license or approval classified in more than one category must be accompanied by the prescribed amendment fee for the category affected by the amendment unless the amendment is applicable to two or more fee categories in which case the amendment fee for the highest fee category would apply, except that applications for amendment of licenses in fee Categories 1A, 1B, 2A, 4A, 5B, 10A, 11, 12, 13A and 14 must be accompanied by an application fee of \$150 with the balance due upon notification by the Commission in accordance with § 170.12(c).

An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for the new category.



An application for amendment to a license or approval that would reduce the scope of a licensee's program to a lower fee category must be accompanied by the prescribed amendment fee for the lower fee category.

An application to terminate licenses authorizing small materials programs, when no dismantling or decontamination procedure is required, shall not be subject to fee.

(e) **Inspection fees**—Separate charges will be assessed for each routine and nonroutine inspection performed, except that inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations will not be subject to fees. If a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed if the inspections are conducted at the same time, except in cases when the inspection fees are based on the full cost to conduct the inspection. The fees assessed at full cost will be determined based on the professional staff time required to conduct the inspection multiplied by the rate established under § 170.20 of this part, to which any applicable contractual support service costs incurred will be added. Licenses covering more than one category will be charged a fee equal to the highest fee category covered by the license. Inspection fees are due upon notification by the Commission in accordance with § 170.12(g). See Footnote 5 for other inspection notes.

\* Fees will not be charged for orders issued by the Commission pursuant to § 2.204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., §§ 30.11, 40.14, 70.14, 73.5, and any other such sections now or hereafter in effect) regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in Categories 9A through 9D.

\* Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For those applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of this rule will be determined at the professional rates established for the June 20, 1984 and January 30, 1989 rules, as appropriate. For those applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984 rule, but are still pending completion of the review, the cost incurred after the ceiling was reached through January 29, 1989 will not be billed to the applicant. Any professional staff-hours expended since January 29, 1989 and/or on or after the effective date of this rule will be assessed at the applicable rate established by § 170.20 of this part. In no event will the total review costs be less than the application fee.

\* Licensees paying fees under Categories 1A and 1B are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except in those instances in which an application deals only with the sealed sources authorized by the license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee Category 1C only.

\* For a license authorizing shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, except that if the multiple installations are inspected during a single visit, a single inspection fee will be assessed.

Dated at Rockville, Maryland, this 27th day of November 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89-28157 Filed 11-30-89; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 89-CE-32-AD]

#### Airworthiness Directives; Fairchild Models SA226-T, SA226-T(B), SA226-AT, SA226-TC, SA227-TT, SA227-AT, and SA227-AC Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Fairchild SA226 and SA227 series airplanes, requiring inspection and rework as necessary of the main landing gear door to nacelle skin to assure proper clearance. The proposed AD is prompted by several wheels-up landings caused by the main landing gear doors jamming against the nacelle which prevents extension of the main landing gear. The proposed actions will correct this unsafe condition.

**DATES:** Comments must be received on or before January 16, 1990.

**ADDRESSES:** Fairchild Service Bulletin Nos. SA226-32-055 and SA227-32-027, both dated December 8, 1988, applicable to this AD, may be obtained from the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-32-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday; holidays excepted.

**FOR FURTHER INFORMATION CONTACT:** James R. Bannister, Airplane Certification Office, FAA Southwest Region, Fort Worth, Texas 76193-0150; Telephone (817) 624-5163.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments

specified above will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-32-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

#### Discussion

The FAA has determined that a safety of flight condition exists on Fairchild SA226 and SA227 series airplanes. Several accidents have occurred in which the main landing gear would not extend and the airplane was forced to land "wheels up". Five of the accidents were attributed to the landing gear doors becoming jammed against the nacelle skin thus preventing extension of the landing gear.

Since the condition described is likely to exist or develop in other Fairchild SA226 and SA227 series airplanes of the same design, the proposed AD would require visual inspection and adjustment of the landing gear door to nacelle skin gap in accordance with Fairchild Service Bulletins 226-32-055 and 227-32-027, as applicable.

The FAA has determined there are approximately 656 airplanes affected by the proposed AD. The cost of the inspections and adjustments specified in the proposed AD is estimated to be \$300 per airplane. The total cost is estimated to be \$196,800. The cost of compliance with the proposed AD is so small that the expense of compliance will not have a significant financial impact on any small entities operating these airplanes.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism



implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

**Fairchild (Swearingen):** Applies to the following airplanes certificated in any category:

Model	Serial Nos.
SA226-T	T201 through T275 and T277 through T291.
SA226-T(B)	T(B)276, and T(B)292 through T(B)417.
SA226-AT	AT001 through AT074.
SA226-TC	TC201 through TC419.
SA227-TT	TT421 through TT489.
SA227-AT	AT421B, and AT423 through AT631B, and AT695B.
SA227-AC	AC406, AC415, AC416, and AC420 through AC728.

**Compliance:** Required within the next 250 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the main landing gear doors from jamming against the nacelle skin and preventing the extension of the landing gear, accomplish the following:

(a) Visually inspect the gap between the main landing gear doors and the adjacent nacelle skins to insure a clearance of  $0.38 \pm .03$  inches in accordance with the instructions specified in Fairchild Service Bulletin (S/B) SA226-32-055 or S/B SA227-32-027, both dated December 8, 1988, as applicable. If rework of the door(s) is

required to obtain the specified clearance, prior to further flight accomplish the task in accordance with the instructions in the above applicable S/B.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An alternate method of compliance or adjustment of the compliance time which provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office, FAA Southwest Region, P.O. Box 1689, Fort Worth, Texas 76103-0150.

**Note:** The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Airplane Certification Office, FAA Southwest Region.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 20, 1989.

**Barry D. Clements,**

*Manager, Small Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 89-28154 Filed 11-30-89; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Ch. I, Subchapter C

[Docket No. 85N-0043]

#### Parenteral Drug Products Containing Benzyl Alcohol or Other Antimicrobial Preservatives; Withdrawal of Notice of Intent

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Withdrawal of notice of intent.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing its notice of intent to propose rules concerning parenteral drug products containing benzyl alcohol or other antimicrobial preservatives. Prompted by reports of benzyl alcohol related toxicity in newborns, FDA had announced its intent to propose a rule that would: (1) Prohibit the use of antimicrobial preservatives in single-dose parenteral drug products for human use; and (2) require the labeling of multiple-dose parenteral drug products that contain any antimicrobial preservatives to bear a caution about use in newborn infants. Since becoming

aware of the toxicity problems, FDA and the U.S. Pharmacopeial Convention (U.S.P.C.) have taken a number of steps to increase awareness of the hazards of use of benzyl alcohol containing products in newborns. Moreover, no reports of benzyl alcohol related toxicity have been received by FDA since 1982. Therefore, FDA has decided not to proceed by regulation to prohibit the use of antimicrobial preservatives, including benzyl alcohol, in single-dose containers of parenteral solutions, nor to require in its regulations a cautionary warning against the administration of these products to newborn infants.

#### FOR FURTHER INFORMATION CONTACT:

Adele S. Seifried, Center for Drug Evaluation and Research (HFD-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

#### SUPPLEMENTARY INFORMATION:

##### Background

In the Federal Register of May 15, 1985 (50 FR 20233), FDA published a notice of intent and request for information entitled "Parenteral Drug Products Containing Benzyl Alcohol or Other Antimicrobial Preservatives." In the notice, the agency announced that it was considering prohibiting the use of all antimicrobial preservatives in single-dose containers of parenteral drug products for human use, and requiring the labeling of multiple-dose containers of parenteral drug products for human use that contain any antimicrobial preservatives to bear a warning that caution should be used in the administration of these drugs to newborn infants. The notice solicited data, information, and comment on the issues raised, specifically asking for recommendations on any further course of action to be taken by the agency.

This notice reflected agency concern about preservatives used in bacteriostatic water for injection and bacteriostatic sodium chloride injection. Specifically, agency action was prompted by two reports suggesting a relationship between the administration of such solutions and a sometimes fatal toxic reaction in low birth weight, premature infants. These reports came from medical centers where neonatal intensive care staffs used these solutions to flush intravascular catheters and to reconstitute drugs for delivery through such catheters. Benzyl alcohol toxicity in newborns (benzyl alcohol syndrome) is characterized by central nervous system depression, metabolic acidosis, gasping respirations, and high levels of benzyl alcohol and its



metabolites found in the blood and urine. It is perhaps a result of the inability of the immature liver of the low birth weight, premature infant to metabolize or excrete benzyl alcohol or its metabolites properly.

FDA took action shortly after receiving the first reports of benzyl alcohol syndrome. On May 28, 1982, FDA sent 22,000 letters to hospital pharmacists, along with 19,000 letters to pediatricians and 8,400 letters to hospital administrators notifying them of the problem with benzyl alcohol. Warning notices were prepared for inclusion in bulletins of the American Society of Hospital Pharmacists and the American Nursing Association and other professional associations. In addition, the agency prepared a press release dated June 1, 1982, that urged pediatricians and other personnel in hospitals not to use fluids preserved with benzyl alcohol (or other antimicrobial agents) as intravascular flush solutions for newborn infants and not to use diluents with this preservative to reconstitute or dilute medications for infants.

On June 4, 1982, the agency met with all known manufacturers of bacteriostatic water for injection and bacteriostatic sodium chloride injection, and with staff from the U.S.P.C. At that meeting, manufacturers of these two classes of products voluntarily agreed to place a warning on product labels against their use in newborns. Subsequently, the U.S.P.C. published a revision to the USP monographs (U.S. Pharmacopeia XX/National Formulary XV) that required these two classes of products to bear the warning "NOT FOR USE IN NEWBORNS" (Supplement 4, published January 1, 1983; effective May 1, 1983). The labeling requirement is retained in the U.S. Pharmacopeia XXI/National Formulary XVI and U.S. Pharmacopeia XXII/National Formulary XVII.

FDA received 30 comments in response to the May 1985 Federal Register notice. Some comments favored banning benzyl alcohol from single-use containers, especially for those products intended for use in low birth weight neonates. Other comments stated that preservatives are important for sterility assurance, and urged that they not be banned from either single-dose or multiple-dose containers.

FDA has concluded that neither a regulation prohibiting the use of antimicrobial preservatives in single-dose containers of parenteral solutions, nor a regulation requiring labeling of multiple-dose parenteral drug products containing benzyl alcohol or other

antimicrobial preservatives are currently necessary.

Of considerable significance, the agency is unaware of any additional reports in the scientific literature of benzyl alcohol syndrome since 1982. The agency believes that the steps taken by FDA, drug manufacturers, and the U.S.P.C. may have helped reduce the use of newborn products containing benzyl alcohol.

While satisfied that the measures taken with respect to bacteriostatic water for injection and bacteriostatic sodium chloride injections are adequate, FDA remains concerned about the use of benzyl alcohol as a preservative in other products that may be used by neonates. If there are further reports of benzyl alcohol toxicity, or other adverse reactions associated with antimicrobial preservatives, the agency will reconsider the need for agency action.

The agency notes that benzyl alcohol toxicity is associated with impaired renal function in neonates. This association suggests potential toxicity of benzyl alcohol or other antimicrobial preservatives in oncology patients and other patients with renal impairment. FDA is looking for evidence of problems in these additional patient populations and is prepared to take action if reports of problems are received.

Therefore, FDA is withdrawing its notice of intent published in the *Federal Register* of May 15, 1985 (50 FR 20233).

Dated: November 24, 1989.

Ronald G. Chesebrough,

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc 89-28110 Filed 11-30-89; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

#### Kansas Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; reopening and extension of comment period.

**SUMMARY:** OSM is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the Kansas permanent regulatory program (hereinafter, the "Kansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This additional

information pertains to definitions, permit applications, civil penalties, permit review, coal exploration, bonding, performance standards, and underground mining. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, and to incorporate the additional flexibility afforded by the revised Federal regulations.

This notice sets forth the times and locations that the Kansas program, proposed amendment to that program, and additional information are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

**DATES:** Written comments must be received on or before 4:00 p.m., c.s.t. December 18, 1989.

**ADDRESSES:** Written comments should be mailed or hand delivered to William J. Kovacic at the address listed below.

Copies of the Kansas program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Kansas City Field Office.

William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, MO 64106, Telephone: (816) 374-6405

Kansas Department of Health and Environment, Surface Mining Section, Shirk Hall, 4th Floor, 1501 S. Joplin, P.O. Box 1418, Pittsburg, KS 66762, Telephone: (316) 231-8615.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Director, Kansas City Field Office (816) 374-6405.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Kansas Program

On January 21, 1981, the Secretary of Interior conditionally approved the Kansas program. General background information on the Kansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Kansas program can be found in the January 21, 1981, *Federal Register* (46 FR 5892). Subsequent actions concerning the Kansas program and program amendments can be found at 30 CFR 916.12, 916.15, and 916.16.



## II. Proposed Amendment

By letter dated June 29, 1989, (Administrative Record No. KS-436) Kansas submitted a proposed amendment to its program pursuant to SMCRA. Kansas submitted the proposed revisions (1) in response to an October 21, 1988, letter that OSM sent in accordance with 30 CFR 732.17(c) requiring certain provisions of the State program to be updated for consistency with the Federal regulations through July 1, 1988, and to satisfy anticipated deficiencies in the State program through July 1, 1989, (2) in response to a May 11, 1989, letter that OSM sent in accordance with 30 CFR 732.17(c) concerning ownership and control, and (3) at the State's own initiative to improve its program.

The regulations that Kansas proposes to amend are Kansas Administrative Regulations (K.A.R.): 47-1-1, Title; 47-1-3, Communication; 47-1-4, Sessions; 47-1-8, Petitions to Initiate Rulemaking; 47-1-9, Notice of Citizen Suits; 47-1-10, General Notice Requirement; 47-1-11, Permittee Preparation and Submission of Reports; 47-2-14, Complete and Accurate Application Defined; 47-2-21, Employee Defined; 47-2-53, Regulatory Authority or State Regulatory Authority Defined; 47-2-67, Surety Bond Defined; 47-2-75, Definitions-Adoption by Reference; 47-3-1, Application for Mining Permit; 47-3-2, Application for Mining Permit-Adoption by Reference; 47-3-3a, Application for Mining Permit-Maps; 47-3-42, Application for Mining Permit-Adoption by Reference; 47-4-14, Public Hearing-Incorporation by Reference of K.S.A. 77-501 *et seq.*; 47-4-15, Administrative Hearings, Discovery, Incorporation by Reference; 47-4-16, Interim Orders for Temporary Relief; 47-4-17, Administrative Hearings, Award of Costs and Expenses; 47-5-5a, Civil Penalties-Adoption by Reference; 47-5-16, Civil Penalties-Final Assessment and Payment; 47-6-1, Permit Review; 47-6-2, Permit Revision; 47-6-3, Permit Renewals-Adoption by Reference; 47-6-4, Permit Transfers, Assignments, and Sales-Adoption by Reference; 47-6-8, Permit Conditions-Adoption by Reference; 47-8-9, Bonding Procedures-Adoption by Reference; 47-8-11, Use of Forfeited Bond Funds; 47-9-1, Performance Standards-Adoption by Reference; 47-9-2, Revegetation; 47-9-4, Interim Program Performance Standards-Adoption by Reference; 47-10-1, Underground Mining-Adoption by Reference; 47-11-8, Small Operator Assistance Program-Adoption by Reference; 47-12-4, Lands Unsuitable for Surface Mining-Adoption by Reference; 47-13-4, Training and

Certification of Blasters-Adoption by Reference; 47-13-5, Responsibilities of Operators and Blasters-in-Charge; 47-13-6, Training Program; 47-14-7, Employee Financial Interest-Adoption by Reference; 47-15-1a, Inspection and Enforcement-Adoption by Reference; 47-15-3, Lack of Information and Inability to Comply; 47-15-4, Injunctive Relief; 47-15-7, State Inspections; 47-15-8, Citizen's Request for State Inspections; 47-15-15, Service of Notices of Violation and Cessation Orders; and 47-15-17, Maintenance of Permit Areas.

OSM published a notice in the July 14, 1989, *Federal Register* (54 FR 29742) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. KS-441). The public comment period ended August 14, 1989.

During its review of the amendment, OSM identified concerns relating to K.A.R.: 47-1-9 (e) and (f), Notice of Citizen Suits; 47-2-21, Employee Defined; 47-2-53, Regulatory Authority or State Regulatory Authority Defined; 47-2-53a, Regulatory Program Defined; 47-2-58, Significant, Imminent Environmental Harm to Land, Air, and Water Resources Defined; 47-2-64, State Act Defined; 47-2-74, Public Road Defined; 47-2-75(a) (6), (7), and (8), Definitions; 47-2-75(b)(6)(B) and (C), Alluvial Valley Floor and Arid Semiarid Area Defined; 47-2-75, Ownership and Control Definitions; 47-3-1, Application for Mining Permit; 47-3-2(c)(3), Application for Mining Permit; 47-3-42, Application for Mining Permit; 47-3-42(b)(15), Special Category Permits; 47-3-42, Application for Mining Permit; 47-4-14, Incorporation by Reference of Kansas Statute Annotated 77-501 *et seq.*; 47-5-5a(a)(10), Individual Civil Penalties; 47-6-2(d), Permit Revision; 47-6-6(b)(4), Permit Review; 47-7, Coal Exploration; 47-8-9(q)(2), Bonding Procedures; 47-9-1(c)(6), Topsoil and Subsoil; 47-9-1(c)(26), Coal Mine Waste: General Requirements; 47-9-1 (c)(42) and (d)(39), Surface and Underground Revegetation: Standards for Success; 47-9-1 (c)(45) and (d)(44), Surface and Underground Postmining Land Use; 47-9-1(d)(2), Underground Mining Performance Standards; 47-10-1(b)(6), Underground Mining Permit Applications; and Rills and Gullies Guidelines. OSM notified Kansas of the concerns by letter dated September 8, 1989 (Administrative Record No. KS-445). Kansas responded in letters dated October 24, October 30, November 9, and November 15, 1989, and an undated letter received November 17, 1989

(Administrative Record No. KS-449), by submitting a revised amendment.

## III. Public Comment Procedures

OSM is reopening the comment period on the proposed Kansas program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kansas program.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Kansas City Field Office will not be considered in the final rulemaking or included in the administrative record.

### List of Subjects in 30 CFR Part 916

Coal Mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 22, 1989.

Raymond L. Lowrie,  
Assistant Director, Western Field Operations.  
[FR Doc. 89-28123 Filed 11-30-89; 8:45 am]  
BILLING CODE 4310-05-M

## 30 CFR Part 917

### Kentucky Permanent Regulatory Program; Reopening of Public Comment Period

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; Reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment period on the substantive adequacy of certain program amendments submitted by the Commonwealth of Kentucky to modify the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On October 7, 1988, the OSM conditionally approved Kentucky House Bill 869 (53 *Federal Register* 39470). The bill amended the Kentucky Revised Statutes (KRS) at 350.032 to provide that final orders of the Cabinet



are appealable to the Circuit Court of the County where the violation occurred rather than to the Circuit Court of Franklin County. The Director's approval was given on a trial basis with final approval dependent on the results of an evaluation report to be completed by Kentucky two months prior to the commencement of the 1990 General Assembly. On October 27, 1989, Kentucky submitted an evaluation report to OSM on House Bill 869 in fulfillment of the Director's requirement.

This notice sets forth the times and locations that the Kentucky program and the proposed additional materials are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding a public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m. on January 2, 1990. If requested, a public hearing on the proposed amendment will be held at 10 a.m. on December 26, 1989. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on December 18, 1989.

**ADDRESSES:** Written comments and requests for a hearing should be mailed or hand delivered to: Roger Calhoun, Acting Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Copies of the Kentucky program, the proposed amendment, and all written comments received in response to this notice will be available for review at the addresses listed below, Monday through Friday, 9 a.m. to 4 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Lexington Field Office.

Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233-7327

Office of Surface Mining Reclamation and Enforcement, Eastern Field Operations, Ten Parkway Center, Pittsburgh, Pennsylvania 15220, Telephone: (412) 937-2828

Department for Surface Mining Reclamation and Enforcement, No. 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

If a public hearing is held, its location will be: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

**FOR FURTHER INFORMATION CONTACT:** Roger Calhoun, Acting Director,

Lexington Field Office, Telephone (606) 233-7327.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the May 18, 1982, *Federal Register* (47 FR 21404-21435). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 917.15, 917.16, and 917.17.

##### **II. Discussion of Amendment**

On October 7, 1988, OSM conditionally approved Kentucky House Bill 869 (53 FR 39470). The bill amended KRS 350.032 to provide that final orders of the Cabinet are appealable to the Circuit Court of the County where the violation occurred rather than to the Circuit Court of Franklin County. The Director's approval was given on a trial basis with final approval dependent on the results on an evaluation report to be completed and submitted to OSM by Kentucky two months prior to the commencement of the 1990 Kentucky General Assembly.

By a letter dated October 24, 1989, (Administrative Record No. KY-929), Kentucky submitted to OSM the report on House Bill 869. The report details the impact of House Bill 869 on agency resources and the judicial review process. The report contains information on the number of appeals filed in Circuit Courts, their outcome and status, and the funding and staff resources allocated in defending the Cabinet in those actions. The report also includes information on the number of decisions enjoining the Cabinet from enforcing sections of the law, delays encountered in the appeals process, and the number of appeals heard in which the applicant for review failed to exhaust all administrative remedies. Kentucky's report is intended to address the Director's concerns in 53 FR 39470. Therefore, OSM is reopening the public comment period for thirty days to allow public comment on the proposed program amendment as clarified.

##### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Kentucky satisfies the

applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

##### *Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, the include explanations in support of the commentor's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

##### *Public Hearing*

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m. on December 18, 1989. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

##### *Public Meeting*

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM, Lexington Field Office listed under "**ADDRESSES**" by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT**." All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under "**ADDRESSES**." A written summary of each meeting will be made a part of the Administrative Record.

#### **VI. Procedural Determinations**

##### *1. Compliance with the National Environmental Policy Act*

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30



U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

## 2. Executive Order 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

## 3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

## List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 21, 1989.

Carl C. Close,

Assistant Director, Eastern Field Operations.

[FR Doc. 89-28121 Filed 11-30-89; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 110

[CGD1-87-088]

### Special Anchorage Area; Perth Amboy, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is considering a proposal to redesignate Anchorage Ground 45-A as a special anchorage. This anchorage is located in the waters contiguous to the City of Perth Amboy, New Jersey. Raritan Yacht Club has requested the redesignation because the anchorage has historically been utilized solely by small recreational vessels. These vessels are currently required to be lighted at night. This regulation will provide a safe

anchorage well away from fairways where vessels less than 65 feet in length can safely remain unlighted at night. Raritan Bay is currently experiencing a resurgence of recreational boating during the summer months. There are no such anchorages currently available in the immediate area.

**DATES:** Comments must be received on or before January 16, 1990.

**ADDRESSES:** Comments should be mailed to Captain of the Port, Bldg. 109, Governors Island, NY 10004, Attention to: Waterways Management Office. The comments and other materials referenced in this notice will be available for inspection and copying at the Waterways Management Office, Bldg. 109, Governors Island, New York. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments may also be hand delivered to that address. Persons wishing to visit the Waterways Management Office must make an appointment so that clearance onto Governors Island (a military installation) can be arranged.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (junior grade) C. W. Jennings, Waterways Management Officer, Captain of the Port, New York at (212) 668-7933.

### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1-87-088) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

**Drafting Information.** The drafters of this notice are ENS M. P. Duesing, Project Officer, Captain of the Port, New York and CDR M.A. Leone, Project Attorney, First Coast Guard District Legal Office.

**Discussion of Proposed Regulations.** Anchorage Ground 45-A is the area proposed for redesignation as a special anchorage. It is located in the waters

contiguous to the City of Perth Amboy, New Jersey. Raritan Yacht Club has requested the redesignation because the anchorage has historically been utilized solely by small recreational vessels. They are currently required to remain lighted at night. Redesignating this area would allow anchoring of small boats (vessels under 65 feet in length) without requiring them to display anchor lights or sound fog signals. The area will not affect navigable channels and is located where general navigation will not endanger or be endangered by unlighted vessels. The Raritan Yacht Club has indicated that it is willing to continue to manage the placement of moorings as it has done for many years. The area has been and will continue to be available for use by the general public. This regulation is issued pursuant to 33 U.S.C. 2030, 2035, and 2070 as set out in the authority citation for all of Part 110.

**Economic Assessment and Certification.** These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be minimal, thus a full regulatory evaluation is unnecessary. Establishment of these proposed special anchorage areas will not require dredging or result in increased cost to any segment of the public. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

### Lists of Subjects in 33 CFR Part 110

Anchorage grounds.

**Proposed Regulations:** In consideration of the foregoing, the Coast Guard proposes to amend part 110 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.60, paragraph (aa) is added to read as follows:

### § 110.60 Port of New York and vicinity.

(aa) South of Perth Amboy, New Jersey. The waters bounded by a line connecting the following points:



Latitude	Longitude
40°30'19.0"	74°15'46.0"
40°30'17.0"	74°15'39.0"
40°30'02.8"	74°15'45.0"
40°29'36.0"	74°16'09.2"
40°29'30.8"	74°16'22.0"
40°29'47.2"	74°16'52.0"
40°30'02.0"	74°16'43.0"

and thence along the shoreline to the point of beginning.

3. In § 110.155, remove and reserve paragraph (j)(3).

Dated: November 21, 1989.

R.I. Rybacki,

U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 89-28153 Filed 11-30-89; 8:45 am]

BILLING CODE 4910-14-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-5

#### Centralized Services in Federal Buildings and Complexes; Miscellaneous Changes

AGENCY: General Services Administration.

ACTION: Proposed rule.

**SUMMARY:** This proposed rule prescribes the methods by which the General Services Administration provides for establishment of centralized services in Federal buildings occupied by a number of executive agencies. The changes contained in this proposal describe GSA's responsibility to provide printing and photocopying services in multi-occupant Federal buildings or complexes.

**DATE:** Comments are due January 30, 1990.

**ADDRESS:** Comments should be submitted to the General Services Administration, CAR, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mr. Johnny Young, Reproduction Services Division Director (202-566-1961).

**SUPPLEMENTARY INFORMATION:** GSA has determined that this is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has

chosen the alternative approach involving the least net cost to society.

#### List of Subjects in 41 CFR Part 101-5

Government property management.

#### PART 101-5—[AMENDED]

1. The authority citation for part 101-5 continues to read as follows:

Authority: Sec 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. The title of part 101-5 is revised to read as follows:

#### PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS AND COMPLEXES

3. Section 101-5.000 is revised to read as follows:

##### § 101-5.000 Scope of part.

This part prescribes the methods by which the General Services Administration provides for establishment of centralized services in Federal buildings or complexes occupied by a number of executive agencies.

##### Subpart 101-5.1—General

4. Section 101-5.101 is revised to read as follows:

##### § 101-5.101 Applicability.

The regulations in this part apply to all executive agencies which occupy space in or are prospective occupants of multi-occupant Federal buildings located in the United States. In appropriate circumstances, the centralized services provided pursuant to this part are extended to agencies occupying other Federal buildings in the same geographical area. For purposes of this part, reference to Federal buildings may be deemed to include, when appropriate, leased buildings or specific leased space in a commercial building under the control of GSA.

5. Section 101-5.102 is revised to read as follows:

##### § 101-5.102 Definitions.

(a) *Centralized services* means those central supporting and administrative services and facilities provided to occupying agencies in Federal buildings or nearby locations in lieu of each agency providing the same services or facilities for its own use. This includes those common administrative services provided by a Cooperative Administrative Support Unit (CASU). It does not include such common buildings features as cafeterias, blind stands, loading platforms, auditoriums, incinerators, or similar facilities. Excluded are interagency fleet management centers established

pursuant to Public Law 766, 83rd Congress and covered by part 101-39 of this chapter.

(b) *Occupying agency* means any Federal agency assigned space in a building or complex for which GSA has oversight of, or responsibility for the functions of operation and maintenance in addition to space assignment.

(c) *Cooperative Administrative Support Unit (CASU)* means an organized mechanism for providing administrative services for agencies in multi-tenant federally occupied buildings.

6. Section 101-5.104-1 is revised to read as follows:

##### § 101-5.104-1 General.

GSA is currently providing various centralized services to Federal agencies in such fields as office and storage space, supplies and materials, communications, records management, transportation services, and printing and reprographics. Other centralized CASU's may be providing supporting services or activities such as health units, use of training devices and facilities, pistol ranges, and central facilities for receipt and dispatch of mail. Consolidation and sharing is frequently feasible with resulting economies in personnel, equipment, and space. Opportunities to effect economies through planned consolidation of such services occur particularly during the design stage of the construction of new Federal buildings, or the renovations to existing buildings. Opportunities may also occur as a result of needs assessments jointly conducted by local agencies.

7. Section 101-5.104-2 is amended to revise paragraph (b) as follows:

##### § 101-5.104-2 Basis for determining economic feasibility.

\* \* \* \* \*

(b) In the absence of standard data on which a determination of economic feasibility can be based, or where such data must be supplemented by additional factual information, a formal feasibility study will be made by GSA or a CASU workgroup prior to a final determination to proceed with the furnishing of a centralized service. Generally, a formal feasibility study will be made only if provision of the proposed centralized service would involve the pooling of staff, equipment, and space which occupying agencies otherwise would be required to use in providing the service for themselves. Examples of centralized services which may require formal studies include



printing and duplicating plants and similar facilities.

8. Section 101-5.104-3 is amended to revise paragraph (a) as follows:

**§ 101-5.104-3 Data requirements for feasibility studies.**

(a) The data requirements for feasibility studies may vary from program to program, but shall be standard within any single program. Such data shall disclose the costs resulting from provisions of the service on a centralized basis as compared to the same service provided separately by each occupying agency, including the costs of personnel assigned to provide the service, comparative space needs, equipment use, and any other pertinent factors.

9. Section 101-5.105 is amended by revising paragraph (a) to read as follows:

**§ 101-5.105 Operation of the centralized facility.**

(a) GSA will continually appraise the operation of centralized facilities to insure their continued justification in terms of economy and efficiency. Centralized services provided pursuant to the regulation may be discontinued or curtailed if no actual savings or operating improvements are realized after a minimum operating period of one year. Occupying agencies will be consulted regarding the timing of curtailment or discontinuance of any centralized services and the heads of such agencies notified at least 120 days in advance of each action.

10. Section 101-5.106 is amended by revising paragraph (a) and paragraph (b) to read as follows:

**§ 101-5.106 Agency committees.**

(a) *Establishment.* An occupying agency committee will be established by GSA if one does not exist, to assist it, or such other agency as may be responsible, in the cooperative use of the centralized services, as defined in § 101-5.102(a), provided in a Federal building. Generally, such a committee will be established when the problems of administration and coordination necessitate a formal method of consultation and discussion among occupying agencies.

(b) *Membership.* Each occupying agency of a Federal building is entitled to membership on an agency committee. The chairperson of each such committee shall be a GSA employee designated by the appropriate GSA Regional Administrator, except when another agency had been designated to

administer the centralized service. In this instance, the chairperson shall be an employee of such other agency as designated by competent authority within that agency.

11. The title of subpart 101-5.2 is revised to read as follows:

**Subpart 101-5.2—Centralized Field Reproduction Services**

12. The Table of Contents for subpart 101-5.2 is amended by revising three entries to read as follows:

Sec.

\* \* \* \* \*

101-5.202 Types of centralized field reproduction services.

101-5.203 Economic feasibility of centralized field reproduction services

101-5.205-3 Action prior to operation of facilities

\* \* \* \* \*

13. Section 101-5.200 is revised to read as follows:

**§ 101-5.200 Scope of subpart.**

This subpart states general guidelines and procedures for the establishment and operation of centralized field printing, duplicating, and photocopying services on a reimbursable basis. These services may be provided in multioccupant leased and/or government owned buildings.

14. Section 101-5.202 is amended by revising the title and paragraph (a) to read as follows:

**§ 101-5.202 Types of centralized field reproduction services.**

(a) Services will include offset reproduction, electronic publishing, photocopying, distribution, bindery services, and other closely related services as requested or required.

15. The title of § 101-5.203 is revised to read as follows:

**§ 101-5.203 Economic feasibility of centralized field reproduction services.**

16. Section 101-5.203-1 is revised to read as follows:

**§ 101-5.203-1 Scheduling of feasibility studies.**

(a) Based on the available data on the proposed size, location, number of agencies scheduled for occupancy, and other factors pertinent to a proposed new or acquired Federal building, GSA will determine whether to provide for a centralized field reproduction facility in the space directive covering the new building. A feasibility study thereafter will be scheduled and coordinated with the Federal building program of the Public Building Service, GSA, to occur

during the period following development of the prospectus and before development of final working drawings for the space directive. The final decision to provide centralized field reproduction services in a new or acquired Federal building will be subject to subsequent determination by the GSA Administrator based upon the formal feasibility study.

(b) Feasibility studies will be initiated by GSA in existing Federal buildings. Such studies will be conducted in accordance with the rules prescribed in § 101-5.203.

17. Section 101-5.203-2 is revised to read as follows:

**§ 101-5.203-2 Notification of feasibility studies.**

The Administrator, GSA, or his authorized designee, will give at least 30 days notice to the head of each executive agency that would be served by a proposed centralized field reproduction facility in accordance with § 101-5.104-4, and will request the designation of agency representatives, as provided in § 101-5.104-5.

18. Section 101-5.203-5 is revised to read as follows:

**§ 101-5.203-5 Uniform space allowances.**

The space requirements for printing, duplicating, photocopying, and related equipment under individual agency use as compared with use in a centralized facility will be based upon uniform space allowances applied equally under both conditions.

19. Section 101-5.203-6 is amended by revising paragraph (a), paragraph (c) and paragraph (d) to read as follows:

**§ 101-5.203-6 Pooling of equipment and personnel.**

(a) In establishing centralized reproduction facilities in Federal buildings or complexes, GSA's regional office will make arrangements with participating agencies for the transfer of duplicating and related equipment for the centralized plant. Equipment for which there is no foreseeable need in the centralized plant will not be transferred to the plant but will be disposed of or transferred by the owning agency out of the centralized plant. Copy processing machines, as provided in paragraph (b) of this section, as well as reproduction, addressing, and automatic-copy processing equipment used in bona fide systems applications may be retained by mutual agreement with using agencies.

(c) Personnel devoting over 50 percent of time to the duplicating activities of



the affected agency will be identified for transfer to the operating agency upon establishment of a centralized plant, in accordance with the Office of Personnel Management regulations relating to the transfer of functions. Agencies will transfer personnel ceiling to the operating agency for employees so transferred. In the event of later disestablishment of the centralized facility of substantial reduction in operations thereof, personnel ceiling will be returned to the agencies from which originally received.

(d) GSA will not make available to occupant agencies space for duplicating equipment, or provide other support services for such equipment in Federal buildings where use of such equipment would duplicate the services provided by the centralized plant unless sufficient justification is provided for the approval of the GSA regional printing and distribution activity with a Standard Form 81, Request for Space.

20. Section 101-5.203-7 is revised to read as follows:

**§ 101-5.203-7 Determination of feasibility.**

The Administrator of General Services will determine the economic feasibility of each proposed centralized field reproduction facility in accordance with § 101-5.104-7. The Director of the Office of Management and Budget and the head of each affected agency will be advised of the Administrator's determination to establish a centralized facility.

21. The title of § 101-5.204 is revised to read as follows:

**§ 101-5.204 Operation of centralized field reproduction facilities.**

22. Section 101-5.204-1 is revised to read as follows:

**§ 101-5.204-1 Continuity of service.**

Each new centralized field reproduction facility will be established in sufficient time to assure occupants moving into the building that there will be no interruption of duplicating service in support of their program activities.

23. Section 101-5.204-2 is revised to read as follows:

**§ 101-5.204-2 Announcement of centralized services.**

The appropriate GSA regional office will announce the availability of a centralized field reproduction facility approximately 90 days in advance of its activation, including:

- (a) The date service will be available;
- (b) The services which will be furnished, including technical assistance on reproduction problems;
- (c) A current price schedule;

(d) Procedures for obtaining service; and

(e) Billing procedures.

24. Section 101-5.204-3 is revised to read as follows:

**§ 101-5.204-3 Appraisal of operations.**

(a) The appropriate GSA regional office will appraise continually the operation of each centralized field reproduction facility. Proposals to expand, modify, or discontinue a centralized activity shall be made to the Director, Reproduction Services Division, in the Central Office and must be supported by all pertinent information.

(b) The Administrator of General Services will give a minimum of 120 days notice to the heads of agencies concerned before any action to curtail or discontinue centralized services is taken.

25. Section 101-5.205-1 is revised to read as follows:

**§ 101-5.205-1 General.**

The Administrator of General Services, in accordance with § 101-5.105(b), may designate an agency other than GSA to operate a centralized field reproduction facility. Such designation will be made only by mutual agreement with the agency head concerned.

26. Section 101-5.205-2 is revised to read as follows:

**§ 101-5.205-2 Prerequisites to designation of other agencies.**

The following conditions are to be met by an agency designated by GSA to operate a centralized field reproduction facility:

(a) Generally, prices charged to Government agencies using the centralized field facility should be no higher than those specified on the currently effective nationwide uniform General Services Administration Reproduction Services Price Schedule. In special circumstances, deviations from the Price Schedule may be developed jointly by GSA and the designated agency.

(b) The designated agency shall accept responsibility for implementing the determination of the Administrator of General Services to establish a centralized reproduction facility, issued in accordance with §§ 101-5.104-7 and 101-5.203-7, including the provisions for transfer of excess equipment and other procedures and conditions specified in that determination. Necessary deviations from the determination may be developed jointly by GSA and the designated agency.

27. Section 101-5.205-3 is amended by revising the title, the introductory

paragraph, paragraph (a) and paragraph (c) to read as follows:

**§ 101-5.205-3 Actions prior to operation of facilities.**

The following actions are to be taken by an agency designated by GSA to operate a centralized field reproduction facility prior to operations of such a facility:

(a) The designated agency shall assist the appropriate GSA regional office in the determination of firm space needs, including any special requirements. Space needs will be furnished by the GSA regional Administrative Services Division, Printing and Distribution Branch, before forwarding it to the Public Buildings Service, GSA, for preparation of final working drawings in the Federal building where the plant is to be located.

(c) After coordination with the designated operating agency to obtain its current price schedule, procedures for obtaining service, and billing procedures, GSA will announce the availability of the centralized field reproduction facility in the manner prescribed in § 101-5.204-2.

28. Section 101-5.204-5 is revised to read as follows:

**§ 101-5.205-4 Facility inspections and customer evaluations.**

Periodic facility inspections and customer evaluations will be performed jointly by GSA and the designated agency in order to appraise the continuing effectiveness of the centralized facility.

Dated: November 24, 1989.

Carlene Bawden,

Associate Administrator for Administration.

[FR Doc. 89-28194 Filed 11-30-89; 8:45 am]

BILLING CODE 6820-81-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 89-526, RM-6974, RM-7014]

**Radio Broadcasting Services; Golconda and Murphysboro, IL, and Lutesville, MO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on two separately filed petitions for rule making. The first petition was filed on behalf of C R



Broadcasting, Inc. ("C R"), licensee of Station WTAO(FM), Murphysboro, Illinois, seeking the substitution of Channel 286B1 for Channel 285A at Murphysboro, and modification of the license for Station WTAO to specify the higher class channel. The proposal to upgrade at Murphysboro will require the substitution of Channel 232A for vacant but applied for Channel 286A at Golconda, and substitution of Channel 281A for vacant and unapplied for Channel 286A at Lutesville, Missouri. The second petition was filed by William L. Moir ("Moir"), seeking the substitution of Channel 232A for Channel 286A at Golconda, Illinois. The coordinates for Channel 286B1 at Murphysboro, Illinois, are North Latitude 37-40-35 and West Longitude 89-16-32. The coordinates for Channel 232A at Golconda, Illinois, are North Latitude 37-23-32 and West Longitude 88-29-21. The coordinates for Channel 281A at Lutesville, Missouri, are North Latitude 37-19-00 and West Longitude 89-57-30.

**DATES:** Comments must be filed on or before January 16, 1990, and reply comments on or before January 31, 1990.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: William L. Moir, 11920 Gay Glen, St. Louis, MO 63043; Marnie K. Sarver, Reed, Smith, Shaw & McClay, 1200 18th Street NW., Washington, DC 20036 (Counsel for C R Broadcasting, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-526, adopted November 8, 1989, and released November 22, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex*

*parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-28119 Filed 11-30-89; 8:45 am]

BILLING CODE 6710-01-M

#### 47 CFR Part 73

[MM Docket No. 89-519, RM-6856]

#### Radio Broadcasting Services; West Rutland, VT

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Brian Dodge, permittee of Station WVN(FM), Channel 298A, West Rutland, Vermont, proposing the substitution of Channel 298C3 for Channel 298A at West Rutland, and the modification of his station's construction permit accordingly. A site restriction of 14.6 kilometers (9 miles) northeast of the city is required. The coordinates are 43-39-40 and 72-53-25. Concurrence of the Canadian government is also required for the proposal.

**DATES:** Comments must be filed on or before January 16, 1990, and reply comments on or before January 31, 1990.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Brian Dodge, P.O. Box 105FM, Hinsdale, NH 03451 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-519, adopted October 31, 1989, and released November 22, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-28117 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-518, RM-6954]

#### Radio Broadcasting Services; Rutland, VT

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Edward G. and Carol K. Pickett, proposing the substitution of Channel 233C3 for Channel 233A at Rutland, Vermont, and the modification of the license for Station WKLZ (FM) at Rutland to specify operation on the higher powered channel. A site restriction of 19.8 kilometers (12.3 miles) north of the city is required, at coordinates 43-47-09 and 72-59-29. Since the location of the community is within 320 kilometers of the U.S.-Canadian border, the proposal requires concurrence of the Canadian government.

**DATES:** Comments must be filed on or before January 16, 1990, and reply comments on or before January 31, 1990.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: James G.



Bethard, P.O. Drawer C, Coushatta, Louisiana 71019 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-518, adopted October 31, 1989, and released November 22, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-28118 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 89-23, No. 1]

RIN 2127-AC-81

### Federal Motor Vehicle Safety Standards; Air Brake Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems, specifies braking requirements for trucks, buses and trailers equipped with air brake systems. Some trucks and

trailers otherwise covered by the standard are excluded from all or portions of the standard because their attributes, typically those relating to configuration speed or weight, result in restricted highway operation, or sharply increased compliance costs.

In response to a petition from the Truck Trailer Manufacturers Association (TTMA), NHTSA is today proposing to amend Standard 121 to require extendable and drop frame container chassis trailers to comply with all requirements of Standard 121. The existing Standard excludes extendable and drop frame container chassis trailers from certain actuation timing, emergency and parking brake requirements otherwise applicable to trailers. Under the proposal, extendable and drop frame container chassis trailers would no longer be excluded from the requirements of FMVSS No. 121 S5.3, S5.6, and S5.8. This notice invites public comment on the proposed approach.

**DATES:** Comments must be received on or before January 30, 1990. This proposal would become effective one year after publication of a final rule in the Federal Register.

**ADDRESSES:** Comments should refer to the docket and notice numbers set forth above and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC, 20590. The docket is open on weekdays from 8 a.m. to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590 (202) 366-5274.

**SUPPLEMENTARY INFORMATION:** Standard No. 121, Air Brake Systems, specifies requirements and test procedures for trucks, buses and trailers equipped with air brakes. The requirements for trailers include provisions governing service brake reservoirs (S5.2.1.2), brake actuation time (S5.3.3), brake release time (S5.3.4), parking brake performance (S5.6) and emergency brake performance (S5.8).

Since 1974, an exclusion has been provided from these requirements for a category of trailers known as "heavy hauler trailers." These trailers are defined in S4 as trailers with one or more of the following characteristics: brake lines designed to adapt to separation or extension of the frame, or a body consisting only of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground (unloaded), except that it may

include sides designed to be easily removable and a permanent front end structure. The intent of this exclusion is to accommodate the specialized use of trailers designed to haul very heavy loads such as heavy industrial equipment, construction equipment, and other items that often require the vehicles to be used off-road at construction sites. This off-road use was a principal reason why the added braking requirements were viewed as impractical for heavy hauler trailers at the time Standard 121 was promulgated. Additionally, heavy hauler trailers are not often driven at high speeds for long periods of time. These types of trailers usually have beds as low to the ground as possible in order to facilitate loading and unloading, as well as to increase stability. They use special axles and suspensions with smaller diameter wheels and tires in order to achieve as low a cargo deck height as possible.

The lack of space for larger dual chamber spring brakes used for parking brakes on other types of trailers, along with the need for quick release valves in remote locations to meet actuation timing requirements, and the complex routing of air lines would have made compliance with Standard 121 extremely difficult for manufacturers of true heavy hauler trailers. It is for these reasons that heavy haulers have been excluded from certain requirements of Standard 121 since 1974. See 39 FR 28161 (August 5, 1974).

When the exclusion for heavy trailers was promulgated, there were few trailers with any of the features listed in the definition of heavy hauler trailer which were not, in fact, designed to carry very heavy loads. However, in recent years increasing numbers of container chassis trailers have been built with extendable or separable features, or with drop frame construction, but which share very little in the limiting features of heavy hauler trailers; i.e. severely restricted space around the axles. Furthermore, these trailers are intended to carry lighter loads and to operate in more conventional commercial service at highway speeds. The sales and use of these trailers are increasing dramatically. Petitioner TTMA stated that there were 32,284 of these trailers manufactured in 1988, a 40 percent increase from the 23,000 units manufactured in 1987. Because, technically, they fall under the outmoded definition of heavy hauler trailer, the current language of the Standard can be used to claim an exclusion for these new types of trailers from the requirements of S5.3, S5.6 and



S5.8, even though there does not appear to be a legitimate need to do so.

Today's proposal would revise Standard No. 121 by adding definitions of "container chassis trailer" and "intermodal shipping container," and revising the definition of "heavy hauler trailer" to exclude container chassis trailers. The effect of the proposal would be to require extendable and drop frame container chassis trailers to comply with those requirements of the Standard from which true heavy hauler trailers are exempt, in addition to the requirements already imposed upon all trailers by Standard 121.

Heavy haulers are currently exempted from the service brake reservoir requirements of section S5.2.1.2 because these low-bed trailers typically lack the space for larger air reservoirs due to their low road clearance. In addition, some heavy hauler trailers have many wheels spaced close together, further restricting the space available for reservoirs. Container chassis trailers do not have these features, and would therefore not be exempted from section S5.2.1.2 under the proposal.

Heavy haulers are currently exempted from the actuation and release timing requirements of section S5.3.3 and 3.4 because compliance is very difficult for some extremely long extendable trailers due to their long coiled air lines, and, in certain cases, many axles and wheels requiring extensive brake line plumbing. Container chassis trailers do not have these features, and would not be exempted from these requirements under the proposal.

The proposal would also delete the exemption from dynamometer testing for heavy hauler trailers manufactured before July 1, 1979, contained at S5.4. A vehicle manufactured under the exemption would now be exempt from recall and remedy under the 8 year statute of limitations in section 154(a)(4) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1414(a)(4)), so that the specific exemption in S5.4 is no longer necessary.

Under the current rule, heavy haulers are provided an alternative to compliance with S5.6 (Parking Brake Systems) and S5.8 (Emergency Braking Capability). At the manufacturer's option, they may comply instead with the Federal Highway Administration's requirements found at 49 CFR § 393.43. This alternative was provided due to space considerations on some low-bed and multi-axle trailers, where there is not enough space to fit spring brakes on the axles. The proposal would revise these provisions to deny this option to manufacturers of container chassis trailers.

According to a recent survey by the petitioner, many (90%) container chassis trailers are being manufactured to meet all the requirements of Standard 121, despite the availability of the exclusion, but some (10%) are not. NHTSA has considered the impact the proposed changes would have on those manufacturers of container chassis that are not now meeting all the requirements of Standard 121. Several changes would be necessary. Manufacturers would have to add a sufficient number of spring brake chambers or other mechanical parking brake devices to meet static retardation force and grade holding requirements. In some cases, manufacturers would have to increase the size of the air tanks, or add an additional tank to meet the brake reservoir requirements. In addition, some changes to brake plumbing and valving could be needed to meet the new requirements.

NHTSA has also examined the cost to manufacturers of complying with the proposed revisions. Spring brakes could be expected to cost \$50 additional per axle. NHTSA believes some two axle trailers could meet the parking brake requirements with spring brakes on only one axle. Spring brakes would reduce the likelihood of a rollaway accident if the trailer were parked for an extended period of time.

Larger air reservoirs are estimated to cost approximately \$25 additional per vehicle. Their use would decrease the possibility of an accident resulting from insufficient air supply with repeated brake applications. With an additional \$50 to cover items such as anti-compounding valves and miscellaneous air hose and plumbing fittings, NHTSA expects that the average cost to a manufacturer who needed to add the maximum amount of equipment to bring a noncomplying trailer into compliance would be about \$100. These increased costs are not significant. NHTSA also does not believe the additional weight resulting from compliance with the proposed requirements (approximately 25 pounds) is significant.

The agency believes that it is important to extend the remaining requirements of Standard 121 to container chassis trailers because of the increasing numbers of these vehicles on public roads, and the differences in construction and use that separate them from the traditional heavy hauler trailer. The Container chassis trailer is likely to become increasingly common in the future as containerized transport becomes more prevalent in the U.S. and throughout the world, and should be subject to the braking requirements

applicable to other over-the-road trailers.

NHTSA believes that the one year lead time from the date of publication of the final rule should be adequate for manufacturers to achieve compliance with the revised standard.

The agency has considered the costs and other impacts of this proposal and determined that the proposal is neither major within the meaning of Executive Order 12291 nor significant within the meaning of the Department of Transportation's regulatory procedures. This proposal would have little effect on the cost or design of the vehicles to which it might become applicable. Since the effects of the proposal, if adopted as a final rule would be minimal, a full regulatory evaluation has not been prepared.

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities, and has determined that it would not have a significant impact on a substantial number of them. Most extendable and drop frame container chassis trailers (reportedly about 90 percent) are already being ordered and built without the use of any exemption from the Standard. As mentioned above, the estimated cost of any additional equipment to those now using the exemption would be about \$125, which is insignificant when compared to the cost of a complete trailer. Because space for that equipment is already available, installation would not require additional significant engineering and design changes nor expensive modifications of the trailer chassis. Therefore, removing the exemption should not be burdensome on any manufacture, large or small. Since the effects of this proposal are not complex and would be minimal on small entities, a full regulatory flexibility analysis has not been prepared.

This proposal has been analyzed in accordance with the principles and requirements contained in Executive Order 12612, and the agency has determined that it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.



All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comment, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR 571.121 be amended as follows:

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

#### § 571.121 [Amended]

2. S4 of § 571.121 would be amended by adding alphabetically new definitions for "Container chassis trailer" and "Intermodal shipping container" and by revising the definition for "Heavy hauler trailer" to read as follows:

#### S4 Definitions.

*Container chassis trailer* means a trailer designed primarily for transporting one or more intermodal shipping containers over the highway.

*Heavy hauler trailer* means a trailer with one or more of the following characteristics, but which is not a container chassis trailer:

(1) Its brake lines are designed to adapt to separation or extension of the vehicle frame; or

(2) Its body consists only of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in an unloaded condition, except that it may include sides that are designed to be easily removable and a permanent "front end structure" as that term is used in § 393.106 of this title.

*Intermodal shipping container* means a reusable, transportable enclosure that is especially designed to facilitate the efficient and bulk shipping and transfer of goods by, or between various modes of transport, such as highway, rail, sea and air.

3. S5.4 Of § 571.121 would be revised to read as follows:

S5.4 *Service brake system-dynamometer tests.* When tested without prior road testing, under the conditions of S6.2, each brake assembly shall meet the requirements of S5.4.1, S5.4.2, and S5.4.3 when tested in sequence and without adjustments other than those specified in the standard. For purposes of the requirements of S5.4.2 and S5.4.3, an average deceleration rate is the change in velocity divided by the deceleration time measured from the onset of deceleration.

Issued on November 28, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.  
[FR Doc. 89-28159 Filed 11-30-89; 8:45 am]

BILLING CODE 4910-59-M



## Notices

Federal Register

Vol. 54, No. 230

Friday, December 1, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Federal Grain Inspection Service

#### Designation Renewal of the Alva (OK) and Schaal (IA) Agencies

**AGENCY:** Federal Grain Inspection Service (Service).

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation renewal of Thomas Oller dba Alva Grain Inspection Department (Alva) and Lewis D. Schaal dba D. R. Schaal Agency (Schaal), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

**EFFECTIVE DATE:** January 1, 1990.

**ADDRESS:** James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Alva's and Schaal's designations terminate on December 31, 1989, and requested applications for official agency designation to provide official services within specified geographic areas in the July 3, 1989, *Federal Register* [54 FR 27907]. Applications were to be postmarked by August 2, 1989. Alva and Schaal were the only applicants for designation in their area and each applied for designation renewal in the entire area currently assigned to that agency. The Service announced the applicant names in the September 1,

1989, *Federal Register* [54 FR 36364] and requested comments on the applicants for designation. Comments were to be postmarked by October 16, 1989. One favorable comment concerning the designation renewal of Alva was received. No comments concerning Schaal were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with section 7(f)(1)(B), determined that Alva and Schaal are able to provide official services in the geographic areas for which the Service is renewing their designations. Effective January 1, 1990, and terminating December 31, 1992, Alva and Schaal are designated to provide official inspection services in their specified geographic areas as previously described in the July 3 *Federal Register*.

Interested persons may obtain official services by contacting the agencies at the following telephone numbers: Alva at (405) 327-8511 and Schaal at (515) 444-3122.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**Dated:** November 28, 1989.

**J.T. Abshier,**

*Director, Compliance Division.*

[FR Doc. 89-28183 Filed 11-30-89; 8:45 am]

**BILLING CODE 3410-EN-M**

#### Request for Comments on the Designation Applicants in the Geographic Area Currently Assigned to Alton (IL), Grand Forks (ND), and McCrea (IA) Agencies

**AGENCY:** Federal Grain Inspection Service (Service).

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicants for official agency designation in the geographic areas currently assigned to the Thomas P. Russell dba Alton Grain Inspection Department (Alton), Robert J. Bohlman dba Grand Forks Grain Inspection Department (Grand Forks), and John R. McCrea dba John R. McCrea Agency (McCrea).

**DATE:** Comments must be postmarked on or before January 16, 1990.

**ADDRESS:** Comments must be submitted in writing to Paul Marsden, RM, FGIS,

USDA, Room 0628 South Building, P.O. Box 96454, Washington, DC 20090-6454.

*Telemail* users may respond to [PMARSDEN/FGIS/USDA] telemail.

*Telex* users may respond as follows:

To: Paul Marsden

TLX: 7607351, ANS: FGIS UC.

All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue SW., during regular business hours (7 CFR 1.27(b)).

#### FOR FURTHER INFORMATION CONTACT:

Paul Marsden, telephone (202) 475-3428.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the October 4, 1989, *Federal Register* [54 FR 40901]. Applicants were to be postmarked by November 3, 1989. Alton, Grand Forks, and McCrea were the only applicants for designation in those areas, and each applied for the entire area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the applicants for designation. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the *Federal Register*, and the applicant will be informed of the decision in writing.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**Dated:** November 28, 1989.

**J.T. Abshier,**

*Director, Compliance Division.*

[FR Doc. 89-28184 Filed 11-30-89; 8:45 am]

**BILLING CODE 3410-EN-M**



**Request for Designation Applicants To Provide Official Services in the Geographic Areas Currently Assigned to the Bloomington Grain Inspection Department (IL) and Plainview Grain Inspection and Weighing Service, Inc. (TX) Agencies**

**AGENCY:** Federal Grain Inspection Service (Service).

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are Gary R. Weirman dba Bloomington Grain Inspection Department (Bloomington) and Plainview Grain Inspection and Weighing Service, Inc. (Plainview).

**DATE:** Applications must be postmarked on or before January 2, 1990.

**ADDRESS:** Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Bloomington, located at 115 S. Euclid St., Bloomington, IL 61702-3631, and Plainview, located at 1100 North Broadway Street, Plainview, TX 79072

were designated under the Act on June 1, 1987, as official agencies, to provide official inspection services.

The designation of each of these official agencies terminates on May 31, 1990. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Bloomington, in the State of Illinois, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; the Livingston County line east to the ICG Railroad line;

Bounded on the East along the ICG Railroad line southwest to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line;

Bounded on the South by the southern McLean County line; the eastern Logan County line south to State Route 10; State Route 10 west to State Route 121; and

Bounded on the West by State Route 121 north to Interstate 74; Interstate 74 northwest to State Route 116; State Route 116 north to State Route 26; State Route 26 north to State Route 18.

The following location, outside of the above contiguous geographic area, is part of this geographic area assignment: Bunge Corporation, Pontiac, Livingston County (located inside Gibson City Grain Inspection Department's area).

Exceptions to Bloomington's assigned geographic area are the following locations inside Bloomington's area which have been and will continue to be served by the following official agencies:

1. Gibson City Grain Inspection Department: Farm Service, Arrowsmith, McLean County; and
2. Springfield Grain Inspection Department: East Lincoln Farmers Grain Co., Lincoln, Logan County.

The geographic area presently assigned to Plainview, in the State of Texas, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by the northern Deaf Smith County line east to U.S. Route 385; U.S. route 385 south to FM 1062; FM 1062 east to State Route 217; State Route 217 east to Prairie Dog Town Fork of the Red River; Prairie Dog

Town Fork of the Red River southeast to the Briscoe County line; the northern Briscoe County line; the northern Hall County line east to U.S. Route 287;

Bounded on the East by U.S. Route 287 southeast to eastern Hall County line; the eastern and southern Hall County lines; the eastern Motley County line;

Bounded on the South by the southern Motley and Floyd County lines; the western Floyd County line north to FM 37; FM 37 west to FM 400; FM 400 north to FM 1914; FM 1914 west, including Hale Center, to FM 179; FM 179 south to FM 37; FM 37 west to U.S. Route 84; U.S. Route 84 northwest to FM 303; and

Bounded on the West by FM 303, not including Sudan, north to U.S. Route 70; U.S. Route 70 west to the Lamb County line; the western and northern Lamb County lines; the western Castro County line; the southern Deaf Smith County line west to State Route 214; State Route 214 north to the northern Deaf Smith County line.

Interested parties, including Bloomington and Plainview, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic areas, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas are for the period beginning June 1, 1990, and ending May 31, 1993. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

**Dated:** November 28, 1989.

**J.T. Abshier,**

*Director, Compliance Division.*

[FR Doc. 89-28185 Filed 11-30-89; 8:45 am]

**BILLING CODE 3410-EN-M**

**Designation of Bloomington Grain Inspection Department, Kankakee Grain Inspection, Inc., and Keokuk Grain Inspection Service, in the Peoria, Illinois, Geographic Area (IL)**

**AGENCY:** Federal Grain Inspection Service (Service).

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation of Gary R. Weirman dba



Bloomington Grain Inspection Department, Kankakee Grain Inspection, Inc., and John H. Oliver, Inc., dba Keokuk Grain Inspection Service, as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act), in the Peoria, Illinois, geographic area.

**EFFECTIVE DATE:** January 1, 1990.

**ADDRESS:** James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that the designation of the Peoria Grain Inspection Service, Inc. (PGIS), would not be renewed on November 1, 1988, and requested applications for official agency designation to provide official services within a specified geographic area in the October 21, 1988, Federal Register (53 FR 41392). Applications were to be postmarked by November 21, 1988; a total of 11 applications were received. Each of the 11 applicants applied for the entire geographic area, with several also applying alternatively for subdivisions of the area. All applicants planned to establish at least one specified service point within the available geographic area to provide official service.

The 11 applicants were: 1. Gary R. Weirman, Bloomington, Illinois, dba Bloomington Grain Inspection Department (entire area, or any geographic subdivision of the area) (Bloomington); 2. Donald R. Onken, James H. Onken, and Fred R. Reeves, Mason City, Illinois, proposing to establish a new corporation, Central Illinois Grain Inspection, Inc. (Onken/Onken/Reeves); 3. Joseph L. Winkler, Peoria, Illinois, proposing to do business as Central Illinois Grain Inspection Service (Winkler); 4. Bradford M. Fegan and Gary R. Weirman, Bloomington, Illinois, proposing to establish a new corporation, Central Illinois Grain Inspection Service, Inc. (entire area, or any geographic subdivision of the area) (Fegan/Weirman); 5. Virgil W. Turner, Jr., Bartonville, Illinois, proposing to establish a new corporation, Central Illinois Grain Inspection Service, Inc. (Turner); 6. Mark A. Beaupre, St. Anne,

Illinois, proposing to do business as Illinois Valley Inspection (Beaupre); 7. Kankakee Grain Inspection, Inc., Bourbonnais, Illinois (entire area, or Hennepin, Henry, and Laco, Illinois) (Kankakee); 8. Keokuk Grain Inspection Service, Keokuk, Iowa (Keokuk); 9. Scott D. Deatherage and Larry S. Kitchen, Villa Ridge, Missouri, proposing to do business as Mopart Grain Inspection Service (Deatherage/Kitchen); 10. Anthony L. Marquardt and Nancy L. Marquardt, Quincy, Illinois, dba Quincy Grain Inspection & Weighing Service (entire area, or Havana, Illinois, only) (Quincy); and 11. Southern Illinois Grain Inspection Service, Inc., O'Fallon, Illinois (Southern Illinois).

The Service announced the applicant names in the January 4, 1989, Federal Register (54 FR 163) and requested comments on the applicants for designation. Applicant Mark A. Beaupre was subsequently removed from the list of eligible applicants for failure to provide additional information requested on his application. Comments were to be postmarked by February 21, 1989; a total of 70 comments were received, with some commenters commenting on more than one applicant. Two applicants, Beaupre and Quincy, received no comments.

Bloomington received four favorable comments: two comments from grain firms in Bloomington's assigned area regarding good service it had provided; and one comment from a grain firm manager who transferred out of Bloomington's area commending good past service he had received from Bloomington. In addition the owner of the Bloomington agency sent FGIS a copy of a letter he provided to grain firms in the Peoria, Illinois, area discussing his services.

Onken/Onken/Reeves received four comments in their favor, all from grain firms (one comment represented six elevator locations and another represented three elevator locations) who were generally acquainted with the applicants, but did not do business with them. These comments were of a general nature.

Winkler received a total of 26 comments of which 22 were favorable. Of the 22 comments received in Winkler's favor: four comments were from grain firms—two firms commending good past service the applicant had provided (these were from different commenters at the same elevator location) and two firms who were generally acquainted with the applicant; 10 comments were from official agencies—one stating it felt the applicant met the criteria for designation, one who felt someone from

PGIS should receive the designation, one who noted the applicant's experience, and seven who were familiar with the applicant through the American Association of Grain Inspection and Weighing Agencies; and eight comments were from private individuals who were generally acquainted with the applicant. Of the four remaining comments received regarding Winkler, three were from former PGIS licensees who had worked for the applicant questioning his knowledge of and performance under the official grain inspection program. And one was from an official agency questioning certain aspects of Winkler's application.

Fegan/Weirman received one favorable comment from a grain firm in the PGIS area who felt they were well qualified.

Turner received seven favorable comments: five comments were from former PGIS licensees who noted the applicant's knowledge and experience while working for PGIS; one was from a grain firm (representing three elevator locations) which was generally acquainted with the applicant; and one was from an official agency which felt someone from PGIS should receive the designation.

Kankakee received 11 favorable comments from grain firms in its assigned area commending good service the firms had received from Kankakee (one comment was from a grain firm in the Peoria, Illinois, geographic area but represented two elevator locations in Kankakee's area).

Keokuk received five favorable comments: four were from grain firms in Keokuk's assigned area commending good service the firms had received from Keokuk; and one was from a grain firm in the Peoria, Illinois, geographic area which felt Keokuk was well qualified.

Deatherage/Kitchen received 14 favorable comments: 12 were from grain firms and one was from a private individual, all of whom were generally acquainted with the applicant; and one from themselves regarding their qualifications for designation.

Southern Illinois received three favorable comments: two were from private individuals and one from a grain trade organization all generally acquainted with the applicant.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with section 7(f)(1)(B), determined that Bloomington, Kankakee, and Keokuk are better able than any other applicant to provide official services in the geographic area



for which the Service is designating them.

Bloomington, Kankakee, and Keokuk will provide official inspection services in the following specified geographic areas, which together comprise the entire area previously described in the October 21, 1988, Federal Register.

Bloomington's designation is hereby amended by adding the following geographic area, in the State of Illinois:

Bounded on the North from the western Peoria County line by Interstate 74 southeast to State Route 121;

Bounded on the East by State Route 121 south to State Route 10;

Bounded on the South by State Route 10 west to Logan County;

Bounded on the West by the western Logan County line; the southern and western Tazewell County lines; and the western Peoria County line north to Interstate 74.

Kankakee's designation is hereby amended by adding the following geographic area, in the State of Illinois:

Bounded on the North by the northern Stark and Marshall County lines; the western Putnam County line north to State Route 29; State Route 29 north to Interstate 180; Interstate 180 east to State Route 26

Bounded on the East by State Route 26 south to State Route 116; State Route 116 south to Interstate 74;

Bounded on the South by Interstate 74 west to the western Peoria County line;

Bounded on the West by the western Peoria and Stark County lines.

Keokuk's designation is hereby amended by adding the following geographic area, in the State of Illinois: Fulton and Mason Counties.

These assignments of geographic area are effective January 1, 1990, and terminate upon the end of Bloomington's (May 31, 1990), Kankakee's (January 31, 1991), and Keokuk's (April 30, 1992) present designations.

Interested persons may obtain official services by contacting the agencies at the following telephone numbers: Bloomington at (309) 827-7121; Kankakee at (815) 932-2851; and Keokuk at (319) 524-6482.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

W. Kirk Miller,  
Administrator.

[FR Doc. 89-28186 Filed 11-30-89; 8:45 am]  
BILLING CODE 3410-EN-M

## Forest Service

### Environmental Impact Statement for the Proposed Valbois Destination Resort Village, Special Use Permit, Boise National Forest, Valley County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to the draft environmental impact statement.

SUMMARY: As a result of public and agency response to the Valbois Draft Environmental Impact Statement, released June 30, 1989, a need for seven areas of supplemental analysis and public review have been identified.

(1) Direct and indirect water and air quality effects, (2) Feasibility of building a wastewater treatment system with a discharge that would have no adverse effect on the water quality of Cascade Reservoir, (3) Transportation; access limitations and solutions, (4) Market research, (5) Comparative economic analysis of the proposed ski facilities, (6) Social factors; population, employment characteristics, and lifestyle effects, (7) Fiscal impacts on Valley County and its residents.

Comments on the Supplement will be combined with comments already received on the DEIS so it will not be necessary to repeat comments submitted during the earlier review. All comments will be used in developing the Final Environmental Impact Statement.

Release of the Supplement to the public is planned for December.

DATE: November 22, 1989.

ADDRESS: 1750 Front Street, Boise, Idaho 83702.

FOR FURTHER INFORMATION CONTACT: Greg Spangenberg, 208-364-4104.

Dated: November 22, 1989.

Dave Rittersbacher,  
Forest Supervisor.

[FR Doc. 89-28126 Filed 11-30-89; 8:45 am]  
BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Environmental Assessment and Finding of No Significant Impact on Controlling California Sea Lion Predation on Wild Steelhead in the Lake Washington Ship Canal, Seattle, WA

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of an Environmental Assessment (EA) that was prepared jointly by NMFS and the Washington State Department of Wildlife. The EA explores three alternatives and their environmental consequences for controlling 40 to 60 California sea lions that migrate into Washington each year and prey heavily on a depressed winter-run of wild steelhead in the Lake Washington drainage system in Washington State. The proposed action is a combination of nonlethal measures to remove sea lions with the principal focus on a capture/relocation of sea lions back to southern California from where they originate. Based on the information in the EA, NMFS has made a finding of no significant impact and determined that an environmental impact statement need not be prepared in accordance with the National Environmental Policy Act and implementing regulations.

DATES: Comments on the EA must be submitted by December 15, 1989.

ADDRESSES: Comments should be mailed to either: Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115 or Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 8268, Silver Spring, MD 20910. Copies of the EA are available also at these addresses.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206/526-6140, or Ken Hollingshead, 301/427-2289.

SUPPLEMENTARY INFORMATION: The National Environmental Policy Act (NEPA) requires that Federal agencies conduct an environmental analysis of their actions to determine if the actions may affect the environment.

Accordingly, NMFS jointly prepared with the Washington State Department of Wildlife (WDW), an EA that explores the environmental consequences of controlling California sea lions (*Zalophus californianus*) to protect a winter-run of wild steelhead (*Oncorhynchus mykiss*). A draft of the EA was distributed to the public by WDW on June 20, 1989 with comments requested by August 15, 1989.

The three alternatives analyzed in the EA for controlling sea lion predation in 1989/90 are no action, non-lethal removal (status quo) and lethal removal. The proposed action is to continue the



status quo, non-lethal removal program utilizing additional measures in an effort to protect the wild run. The no action alternative is no preferred because of the negative impacts it will have on the wild steelhead. The lethal removal alternative is not preferred because it is considered as the last resort if the non-lethal control efforts fail to adequately protect wild steelhead so that spawning escapement goals are achieved. NMFS and WDW have agreed that an environmental impact statement will be prepared if a directed lethal removal program is ever considered further.

NMFS has evaluated the environmental consequences of the proposed action and has concluded that it is unlikely to result in any significant impacts on the human environment and therefore has made a finding of no significant impact (FONSI). The EA and FONSI have been prepared in accordance with NEPA and implementing regulations at 40 CFR parts 1500 through 1508 and NOAA guidelines concerning implementation of NEPA found in the NOAA Directives Manual; chapter 2, section 10, "Environmental Review Procedures" (49 FR 29644-29857; July 23, 1984). In addition, in accordance with Washington State Environmental Policy Act, the Washington State Department of Wildlife has made a final determination of non-significance pursuant to chapter 232-19 of the Washington Administrative Code.

Further details or a copy of the EA and FONSI may be obtained from the addresses above.

Dated: November 24, 1989.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 89-28100 Filed 11-30-89; 8:45 am]

BILLING CODE 3510-22-M

### South Atlantic Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will hold public meetings of the Shark Committee and the Shark Advisory Panel at the Council's headquarters (address below), to review and develop comments concerning the draft Secretarial Shark Fishery Management Plan.

The Shark Advisory Panel will meet on December 18, 1989, from 1 p.m. to 5 p.m. The Shark Committee and the Shark Advisory Panel will meet jointly on December 19 from 8:30 a.m. to noon. The Shark Committee will meet

separately on December 19 from 1:30 p.m. until 5 p.m.

A detailed agenda will be available to the public on or about December 8, 1989. For more information contact Carrie R. F. Knight, Public Information Officer (law), South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Dated: November 27, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.

[FR Doc. 89-28197 Filed 11-30-89; 8:45 am]

BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Silk Blend Textile Products Produced or Manufactured in the People's Republic of China

November 28, 1989.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** November 28, 1989.

#### FOR FURTHER INFORMATION CONTACT:

Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For more information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-6328. For more information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted by application of swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 50276, published on December 14, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of

the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

November 28, 1989.

Commissioner of Customs,  
Department of the Treasury,  
Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive of December 6, 1988 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1989 and extends through December 31, 1989.

Effective on November 28, 1989, the directive of December 6, 1988 is amended further to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China:

Category levels in group I	Adjusted 12-mo limit <sup>1</sup>
200	565,328 kilograms.
218	10,116,773 square meters.
237	1,198,468 dozen.
300/301	2,344,114 kilograms.
331	4,402,671 dozen pairs.
334	253,935 dozen.
335	350,464 dozen.
336	126,578 dozen.
338/339	2,169,360 dozen of which not more than 1,676,700 dozen shall be in Categories 338-S/339-S.*
340	785,930 dozen of which not more than 374,602 dozen shall be in Category 340-Z.*
345	117,936 dozen.
351	412,492 dozen.
359-V*	660,051 kilograms.
361	3,494,988 numbers.
369-L*	2,548,055 kilograms.
442	36,333 dozen.
444	112,977 numbers.
631	973,712 dozen pairs.
634	502,934 dozen.
636	424,216 dozen.
642	285,155 dozen.
645/646	791,854 dozen.
649	687,295 dozen.
659-C*	276,246 kilograms.
846	67,721 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1988.

\* In Categories 338-S/339-S, HTS numbers set 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0009, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005 in Category 338-S; and 6104.22.0060, 6104.29.2046, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022 in Category 339-S.



\* In Category 340-Z, only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

\* In Category 359-V, only HTS numbers 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070.

\* In Category 369-L, only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000.

\* In Category 659-C, only HTS numbers 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,  
Chairman, Committee for the Implementation  
of Textile Agreements.

[FR Doc. 89-28167 Filed 11-30-89; 8:45 am]

BILLING CODE 3510-DR-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1990; Additions and Deletions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Additions to and Deletions from Procurement List.

**SUMMARY:** The Committee has received proposals to add to and delete from Procurement List 1990 commodities to be produced and a service to be provided by workshops for the blind and other severely handicapped.

Comments Must Be Received on or Before: January 3, 1990.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

### Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to

procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1990, which was published November 3, 1989 (54 FR 46540):

### Commodities

Strap, Webbing  
5340-01-130-6020  
Kit Bag, Flyer  
8460-00-883-8673

### Service

Janitorial/Custodial  
Area A (Excluding Buildings 280 and 281) and Area C  
Wright-Patterson Air Force Base, Ohio

### Deletions

It is proposed to delete the following commodities from Procurement List 1990, which was published November 3, 1989 (54 FR 46540):

Strap, Shoulder, Quick Release, Right Hand  
8465-01-078-9282  
Strap, Shoulder, Quick Release, Left Hand  
8465-00-269-0482

Beverly L. Milkman,  
Executive Director.

[FR Doc. 89-28174 Filed 11-30-89; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Title, Applicable Form, and Applicable OMB Control Number:** Department of Defense Personnel Security Questionnaire, DD Form 398; DoD Request for Personnel Security Investigation, DD 1879; OMB Control Number 0704-0299.

**Type of Request:** Revision  
**Average Burden Hours/Minutes Per Response:** 1.75 hours.

**Frequency of Response:** On occasion, one response per respondent.

**Number of Respondents:** 70,000.

**Annual Burden Hours:** 122,500.

**Annual Responses:** 70,000.

**Needs and Uses:** The Department of Defense Personnel Security Questionnaire, DD Form 398 and DoD

Request for Personnel Security Investigation, DD 1879 are used by the Defense Investigative Service to conduct personnel security investigations on individuals requiring access to classified information, sensitive areas or equipment; or to permit assignment to sensitive national security positions.

**Affected Public:** Individuals or households; Federal agencies or employees.

**Frequency:** On occasion.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3225, New Executive Office Building, Washington, DC 20503.

**DOD Clearance Office:** Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: November 27, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-28131 Filed 11-30-89; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Army

### Publication of the Record of Decision (ROD) for the Biological Defense Research Program

**AGENCY:** Department of the Army, DOD.

**ACTION:** Publication of the Record of Decision for the Biological Defense Research Program.

Record of Decision: Biological Defense Research Program, Department of the Army.

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR part 1500), the United States Army announces the decision to continue the Biological Defense Research Program (BDRP). The BDRP is a research, development, test, and evaluation (RDT&E) program conducted by the Department of Defense (DoD), with the Department of the Army (DA) serving as the executive agent. These RDT&E activities are conducted at three Army installations (primary sites) and at approximately 100 other research



institutions (secondary sites). The objectives of the BDRP are to develop measures for the detection, protection, treatment, and decontamination of potential biological warfare threat agents. The BDRP is designed to maintain and promote a strong national defense by developing medical and physical defenses to protect U.S. forces against biological warfare threats. In addition to promoting the national defense, the BDRP benefits the scientific community in general through its research efforts, and benefits the global population in the development of diagnostic methods, vaccines, and drug therapies for the treatment of diseases.

Two alternatives were considered in the Draft and Final Programmatic Environmental Impact Statements (DPEIS/FPEIS) prepared for the BDRP. These were (1) continue the BDRP (the preferred alternative) and (2) terminate the BDRP (the "no action" alternative). To assist in identifying and addressing environmental consequences, an Impact Analysis Matrix (IAM) was developed and included within the DPEIS/FPEIS. Using the IAM, the entire ongoing BDRP was examined on the basis of programmatic risk/issue categories and of representative specific sites. The IAM process revealed no significant adverse environmental impacts.

In addition, a variety of potential accidents and incidents were postulated and analyzed for potential impacts. This examination found that even severe accidents would not create any significant risk or impact upon the quality of the human environment.

Minor unavoidable adverse impacts of the BDRP, such as contributions to normal waste streams and slight health risks to the workforce, are outweighed by the importance of the program to national defense. While the no action alternative to terminate the BDRP would eliminate all environmental impacts and risks associated with the program, this alternative was not selected due to the overriding national importance of the program and the insignificant effect of the existing program on the quality of the human environment.

The standard operational, safety, security and regulatory controls, which are based upon federal, state and local laws and institutional criteria, serve to mitigate any potential adverse impacts resulting from normal activities. Any risks inherent to the BDRP are ameliorated through the implementation of these control measures. Ongoing monitoring and oversight of all phases of the BDRP by trained scientists at each research site and oversight by appropriate federal and state authorities

have effectively eliminated significant adverse impacts to the environment and to human health. An inspection program has been implemented to further assure that safety standards are met at institutions performing BDRP research, and DoD now requires that all BDRP activities be conducted in compliance with the Centers for Disease Control-National Institutes of Health guidelines: Biosafety in Microbiological and Biomedical Laboratories. The controls in effect throughout every aspect of the BDRP are adequate, and implementation of more stringent monitoring or development of new criteria are not considered to be necessary. In summary, all practicable means to avoid or minimize environmental harm have been considered and are integral components of the ongoing BDRP.

The programmatic EIS methodology was selected because the BDRP is national in scope and involves many ongoing, interrelated activities. Subsequent NEPA analysis on actions included within the program, such as a site specific coverage, will reference this programmatic EIS as appropriate and concentrate on issues relevant to the action in question.

The BDRP is in full compliance with the Biological Weapons Convention, in which the United States and over 100 other signatory nations have agreed not to develop, produce or stockpile bacteriological (biological) and toxin weapons. The BDRP does not include the development of any weapons, nor does it attempt to develop new pathogenic organisms for any use.

I have reviewed the DPEIS and FPEIS as well as the comments received during the public comment period for each of these documents. While I note questions and differences of opinion regarding the BDRP, as well as special concerns about certain aspects of the program such as aerosol testing, use of stimulants and genetic engineering, I did not find convincing evidence that the program should be substantially altered or terminated. Furthermore, additional administrative measures have been instituted which will add another dimension of safety oversight to a program with an exemplary safety record. Therefore, I conclude that the BDRP should continue.

Dated: November 27, 1989.

John W. Shannon,

Under Secretary of the Army.

[FR Doc. 89-28112 Filed 11-30-89; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF ENERGY

### Advisory Committee on Nuclear Facility Safety; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

**Name:** Advisory Committee on Nuclear Facility Safety.

**Date and Time:** Monday, December 11, 1989, 8:30 a.m. to 6:00 p.m.; Tuesday, December 12, 1989, 8:30 a.m. to 1:00 p.m.

**Place:** U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue SW., Washington, DC 20585.

**Contact:** Wallace R. Kornack, Executive Director, ACNFS, S-2, 1000 Independence Avenue SW., Washington, DC 20585, 202/586-1770.

**Purpose of the Committee:** The Committee was established to provide the Secretary of Energy with advice and recommendations concerning the safety of the Department's production and utilization facilities, as defined in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

#### Tentative Agenda

*December 11, 1989*

**8:30 a.m.:** Chairman John F. Ahearne Opens Meeting, Subcommittee Reports, Pantex Tritium Release Report, Selected Technical Issues.

**Noon:** Lunch, DOE Safety Policy and Organization Issues, Selected Technical Issues, Committee Business.

**6 p.m.:** Meeting Adjourned.

*December 12, 1989*

**8:30 a.m.:** Meeting Reconvened, Selected Technical Issues.

**12:30 p.m.:** Public Comment Session.

**1 p.m.:** Meeting Ends.

**Public Participation:** This meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Wallace Kornack at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

**Transcripts:** The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.



Issued at Washington, DC, on November 28, 1989.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 89-28198 Filed 11-30-89; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. ER90-70-000, et al.]

### Oklahoma Gas & Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

#### 1. Oklahoma Gas and Electric Company

[Docket No. ER90-70-000]

November 21, 1989.

Take notice that on November 16, 1989, Oklahoma Gas and Electric Company (OG&E) tendered for filing a set of three Amended Appendices between OG&E and the Oklahoma Municipal Power Authority (OMPA).

The Amendments modify the Transmission Service Agreement Appendix "A", Appendix "B" and Appendix "D".

Copies of this filing have been served on OMPA, the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission.

*Comment date:* December 6, 1989, in accordance with standard Paragraph E at the end of this notice.

#### 2. Indianapolis Power & Light Company

[Docket No. ER90-71-000]

November 21, 1989.

Take notice that Indianapolis Power & Light Company (IPL) on November 16, 1989, tendered for filing Modification No. 3 dated as of September 1, 1989 to its Interconnection Agreement with Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier) dated as of December 1, 1981, to become effective December 31, 1989.

Modification No. 3 adds Service H (Specific Transmission Service) to the Interconnection Agreement to provide IPL with 50 to 100 megawatts of transmission capacity, thereby enabling it to receive through the year 2010 power and energy purchased from another utility with which it is not physically interconnected. The Modification also makes changes in Service Schedule G (Temporary Transmission Service) to coincide where appropriate with Service Schedule H and extends the transmission service provided by IPL to Hoosier at the Honey Creek Tap Point

through the year 2010. In addition, Modification No. 3 adds transfer rates for power purchases from third parties in Service Schedules A (Emergency Service), C (Interchange Power), D (Short Term Power), and E (Limited Term Power Firm) and provides for "up to" demand rates in Service Schedules D and E.

IPL requests waiver of the 60-day notice requirement and represents that copies of the filing were mailed to Hoosier and to the Indiana Utility Regulatory Commission.

*Comment date:* December 6, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Canal Electric Company

[Docket No. ER90-73-000]

November 24, 1989.

Take notice that on November 20, 1989 Canal Electric Company (Canal) tendered for filing a proposed amendment to Appendix A of its Power Contract, previously filed with the Commission on October 20, 1989 (Docket No. ER90-29-000). Subsequent to the filing of the original Power Contract Canal was requested by Cambridge Electric Light Company (Cambridge) and Commonwealth Electric Company (Commonwealth) to acquire an additional amount of power from Connecticut Light and Power Company (CL&P) for a portion of the time period of the original Power Contract. The terms of the original Power Contract recognize Canal's purchase of demand and energy from CL&P and United Illumination Company for the time period October 1, 1989 to April 30, 1990, and the sale of such power to Cambridge and Commonwealth. The proposed amendment to Appendix A reflects a change in the number of MWs acquired by Canal from CL&P. The proposed revision also causes an increase in the rates collected by Canal pursuant to the Power Contract.

Copies of this filing were served upon the Cambridge Electric Light Company and Commonwealth Electric Company, the utilities jurisdictional customers.

*Comment date:* December 8, 1989, in accordance with Standard paragraph E at the end of this notice.

#### 4. Boston Edison Company

[Docket No. ER90-77-000]

November 24, 1989.

Take notice that Boston Edison Company of Boston, Massachusetts, (Edison) on November 20, 1989, tendered for filing a specification of the firm transmission service to be taken by New England Power Company (NEP) for NEP's Quincy-Weymouth service area

under Edison's firm transmission tariff. Edison states that the filings does not change the terms and conditions of service or affect the rate level charged to NEP.

Copies of the filing have been served upon NEP and the Massachusetts Department of Public Utilities.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Florida Power Corporation

[Docket No. ER90-4-000]

November 24, 1989.

Take notice that on November 20, 1989, on behalf of Florida Power Corporation (Florida Power) and Entergy Services (Entergy), Florida Power tendered for filing a November 15, 1989, Amendment of Contract Four Purchases of Economic Energy Between Florida Power Corporation and Entergy Service, Inc. The original contract was filed in this docket on October 3, 1989.

Section 6.4 of the contract was amended to accomplish two things. First, Florida Power will not be allowed to price under the incremental cost plus a five mill adder method when Florida Power is purchasing power from a third party for resale to Entergy. Second, incremental transmission losses are allowed only when the parties are utilizing the incremental cost plus a five mill adder method, but not when they are using the share-the-savings method.

According to Florida Power, a copy of this filing has been served on Entergy and the Florida Public Service Commission.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Fitchburg Gas and Electric Light Company

[Docket No. ER90-78-000]

November 24, 1989.

Take notice that on November 16, 1989, Fitchburg Gas and Electric Light Company (Fitchburg) filed with the Commission notices of cancellation of the following rate schedules:

Service Agreement No. 2 to FERC Electric Tariff, Original Volume No. 1.

Service Agreement No. 3 to FERC Electric Tariff, Original Volume No. 1.

Supplement No. 1 to Service Agreement No. 3 to FERC Electric Tariff, Original Volume No. 1.

Supplement No. 2 to Service Agreement No. 3 to FERC Electric Tariff, Original Volume No. 1.

Supplement No. 3 to Service Agreement No. 3 to FERC Electric Tariff, Original Volume No. 1.



Supplement No. 4 to Service Schedule Agreement No. 3 to FERC Electric Tariff, Original Volume No. 1.  
Service Agreement No. 4 to FERC Electric Tariff, Original Volume No. 1.

Fitchburg states that service under each rate schedule has been terminated because the service agreement has expired by its terms. A copy of each notice of cancellation has been mailed to each affected purchaser. Fitchburg requests waiver of the Commission's notice requirements to permit each notice of cancellation to become effective on its stated date.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Central Maine Power Company

[Docket No. ES90-12-000]

November 24, 1989.

Take notice that on November 20, 1989, Central Maine Power Company tendered for filing an Application pursuant to section 204 of the Federal Power Act, seeking authority to issue and renew on or before December 31, 1991, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate face amount not exceeding \$140,000,000 at any time.

*Comment date:* December 18, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Maine Electric Power Company, Inc.

[Docket No. ES90-11-000]

November 24, 1989.

Take notice that on November 20, 1989, Maine Electric Power Company, Inc. tendered for filing an Application pursuant to section 204 of the Federal Power Act, seeking authority to issue and renew on or before December 31, 1991, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate face amount not exceeding \$15,000,000 at any time.

*Comment date:* December 18, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Gulf States Utilities Company

[Docket No. ES90-10-000]

November 24, 1989.

Take notice that on November 21, 1989, Gulf States Utilities Company ("Applicant") filed an application with the Federal Energy Regulatory Commission ("Commission"), pursuant to Section 204 of the Federal Power Act, for authority to issue up to \$400 million of secured and/or unsecured short-term notes with a final maturity date of no later than December 31, 1992, and to issue up to a like amount of principal of first mortgage bonds and/or

subordinated lien bonds in one or more series as security for the Notes and, with respect to issuance of bonds, under § 34.2(b)(2) for exemption from competitive bidding requirements pursuant to § 34.2(a)(1)(iv) and for exemption from the requirements of § 34.2(b)(2)(i)(B).

*Comment date:* December 18, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Iowa Public Service Company

[Docket No. ES90-5-000]

November 24, 1989.

Take notice that on November 17, 1989, Iowa Public Service Company filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue and sell, in one or more public offerings or private placements, over a two year period, fixed rate debt in aggregate principal amount of not more than \$75 million and exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

*Comment date:* December 7, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Boston Edison Company

[Docket No. ER90-76-000]

November 24, 1989.

Take notice that Boston Edison Company of Boston, Massachusetts (Edison) on November 20, 1989, tendered for filing a specification of the power to be taken by the Town of Reading ("Reading") under Reading's Contract Demand rate. Edison states that the filing does not change the terms and conditions of service or affect the rate level charged to Reading.

Copies of the filing have been served upon Reading and the Massachusetts Department of Public Utilities.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 12. Carolina Power & Light Company

[Docket No. ER90-74-000]

November 24, 1989.

Take notice that on November 21, 1989, Carolina Power & Light Company (CP&L) filed revisions to the Amendment to the Interchange Agreement between CP&L and Virginia Electric and Power Company (VaPow) dated August 5, 1988 (CP&L Rate Schedule FPC No. 96 and VaPow Rate Schedule FPC No. 95). These revisions amended § 7.01 of the Interchange Agreement to (1) allow all bills for amounts owned by one party to the other to be paid by the 12th day

following receipt of bill; (2) allow all amounts to be paid on the next work day when the due date is on a weekend or holiday; (3) require payment by electronic wire transfer only. It is requested that the required notice period be waived and these changes allowed to go into effect on January 1, 1990.

Copies of this filing have been sent to Virginia Electric Power Company, the North Carolina Utilities Commission and South Carolina Public Service Commission.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### 13. Wisconsin Power & Light Company

[Docket No. ER90-75-000]

November 24, 1989.

Take notice that on November 20, 1989, Wisconsin Power & Light Company (WPL) tendered for filing an amended wholesale power agreement dated October 30, 1989, between the City of Reedsburg and WPL. WPL states that this amendment revises the previous agreement between the two parties which was dated July 22, 1986, and designated Rate Schedule No. 139 by the Commission.

The purpose of this revised agreement is to revise the contract term provisions. Terms of service for this customer will be on a similar basis to the terms of service for other W-3 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date be assigned. WPL states that copies of the agreement and the filing have been provided to the City of Reedsburg and the Wisconsin Public Service Commission.

*Comment date:* December 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the



Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-28133 Filed 11-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-5-20-000]

**Algonquin Gas Transmission Co.;  
Proposed Change in FERC Gas Tariff**

November 27, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on November 22, 1989, tendered for filing, to its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

*Proposed to be effective, October 1, 1989*

Third Substitute Thirty-sixth Revised Sheet No. 203

Third Substitute Thirty-second Revised Sheet No. 204

Algonquin states that it is making the instant filing to reflect changes in the cost of gas from its pipeline suppliers, CNG Transmission Corporation ("CNGT") and National Fuel Gas Supply Corporation ("National"). Such changes included the rates in CNGT's Rate Schedule CD and National's Rate Schedule CDS which underlie Algonquin's Rate Schedule F-2 and F-3, respectively. The effect of Algonquin's instant filing under Rate Schedule F-2 is to increase the commodity charge by 8.26¢ per MMBtu over those rates in effect for the month of September, 1989. The effect of National's filing is to decrease the demand rate by 10.00¢ per MMBtu, while increasing the commodity charge by 21.18¢ per MMBtu from the rates in effect for the month of September, 1989.

As required by section 7.3 of Rate Schedule F-2 and F-3, the proposed effective date of Third Substitute Thirty-sixth Revised Sheet No. 203 and Third Substitute Thirty-second Revised Sheet No. 204 is October 1, 1989 to coincide with the effective date of CNGT's and National's filings.

Algonquin notes that a copy of this filing was served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 5, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-28133 Filed 11-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-4-32-000]

**Colorado Interstate Gas Co.;  
Compliance and Tracking Filing**

November 27, 1989

Take notice that Colorado Interstate Gas Company ("CIG"), on November 22, 1989, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 61G12

Original Sheet No. 61G12-C

CIG states that the above-referenced tariff sheets are being filed in compliance with the Commission's Order issued in Docket No. RP89-178 and that the filing reflects revisions to conform with revisions to the tariff of Northwest Pipeline Corporation ("Northwest") which were approved by the Commission on October 12, 1989, by an order issued in Docket Nos. RP89-219, *et al.*, 49 FERC ¶61,056 (1989). Specifically, CIG's filing reflects an additional principal amount of take-or-pay buyout-buydown costs billed to CIG by Northwest resulting from Northwest's settlement of two producer supplier contracts which were in litigation as of March 31, 1989.

CIG states that copies of the filing were served upon all of the parties to this proceeding and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-28134 Filed 11-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-1-21-001]

**Columbia Gas Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

November 27, 1989.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 20, 1989, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to become effective on November 1, 1989:

Substitute One hundred thirty-ninth Revised Sheet No. 16

Substitute Twenty-seventh Revised Sheet No. 16A2

Substitute Forth-first Revised Sheet No. 64A

Columbia states the foregoing tariff sheets are being filed in compliance with the Commission's order issued October 31, 1989 in Docket No. TQ90-1-21-000. Such order directed Columbia to refile its PGA tariff sheets to be effective November 1, 1989 to reflect the elimination of certain storage costs paid by Columbia for storage service rendered by East Ohio Gas Company. Columbia is also reflecting revised reservation charges applicable to Tennessee Gas Pipeline Company to place the rate and determinant levels reflected in its September 29, 1989 PGA filing on an as-billed basis at the time of conversion in accordance with Ordering Paragraph (D) of the October 31, 1989 order. The instant filing corrects an erroneous rate that was used in the computation of Transcontinental Gas Pipe Line Corporation reservation charges in the September 29, 1989 PGA filing.

Columbia also states that the instant filing reflects changes which place its filing in compliance with the Commission's October, 1989 order accepting Columbia's Offer of Settlement in Docket Nos. RP88-168-000, *et al.* (Global Settlement). In this regard, the instant filing reflects the impact of the following changes attributable to the implementation of the Global Settlement on November 1, 1989: (1) The effectuation of a one-part demand rate in accordance with Article I, section E of the Global Settlement; (2) a revised level of Demand billing determinants in accordance with Article IV, Section A of the Global Settlement; (3) the repricing



of recoupable Appalachian take-or-pay gas at the weighted average commodity cost for the most recent twelve-month period in accordance with Article III, Section E of the Global Settlement; and (4) the incurrence of additional purchased gas costs resulting from the addition of Virginia Natural Gas, Inc. (VNG), The City of Richmond (Richmond), and Commonwealth Gas Services, Inc. (Commonwealth Services), as direct wholesale customers and the elimination of Commonwealth Gas Pipeline Corporation (Commonwealth) as a wholesale customer in accordance with Article IV, section 3(c) of the Global Settlement.

Columbia indicates that when compared to the rates contained in Columbia's PGA filing of September 29, 1989, the revised purchased gas component of the sales rates set forth on Substitute One hundred thirty-ninth Revised Sheet No. 16 reflect an overall decrease of .03¢ per Dth in the Commodity sales rate and an overall increase of \$.935 per Dth in the Demand rate and elimination of the Demand-2 rate.

The instant filing reflects a revised Demand Unrecovered Purchased Gas Cost Surcharge of minus 57.7¢ per Dth. Due to the implementation of the Global Settlement, Columbia is required to utilize a one-part demand rate, which in turn, necessitates the use of a one-part demand surcharge. Accordingly, the instant filing reflects the elimination of the Unrecovered Purchased Gas Cost Surcharge attributable to Demand-2 and the reclassification of the applicable Unrecovered Purchased Gas Cost to a one-part demand surcharge.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings

are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-28139 Filed 11-30-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. TQ90-1-45-000]

**Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing**

November 27, 1989.

Take notice that on November 20, 1989, Inter-City Minnesota Pipelines, Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to Original Volume 1 of its FERC Gas Tariff to be effective December 1, 1989.

*Original Volume No. 1*

Thirty-Sixth Revised Sheet No. 4  
Third Revised Sheet No. 61-B

Inter-City states that Thirty-Sixth Revised Sheet No. 4 is filed as an out-of-cycle PGA to reflect recent changes to Inter-City's gas costs. Third Revised Sheet No. 61-B reflects a change in Inter-City's PGA tariff language indicating it will round off its calculations to the nearest one-hundredth of one cent.

Inter-City states that copies of the filing have been mailed to all of its customers and the affected state regulatory commission.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-28135 Filed 11-29-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TM90-3-26-000]

**Natural Gas Pipeline Co. of America; Change in Rates**

November 27, 1989.

Take notice that on November 22, 1989, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets to be a part of its FERC Gas Tariff, to be effective January 1, 1990.

Natural states that the revised tariff sheets reflect the reduced FRI surcharge related to the Gas Research Institute's 1990 Research and Development Program as approved by Commission Opinion No. 334 (Docket No. RP89-187-000) issued October 10, 1989. The reduced rate authorized by the October 10th order is 1.26¢ per Dekatherm.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective January 1, 1990.

Natural states that a copy of the filing is being mailed to Natural's jurisdictional sales customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-28136 Filed 11-30-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TM90-2-29-000]

**Transcontinental Gas Pipe Line Corp.; Tariff Filing**

November 27, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on November 22, 1989 tendered for filing to be effective January 1, 1990 certain revised tariff sheets included in Appendix A attached hereto.

Transco states that the purpose of this filing is to reflect a decrease of 0.2¢ per dt in the Gas Research Institute (GRI) Adjustment Charge applicable to sales and transportation deliveries to



distributors for resale, to pipelines which are not members of GRI and to ultimate customers.

Transco states that on October 10, 1989 the Commission issued Opinion No. 334 in Docket No. RP89-187-000. The Opinion provides that, as a member of GRI, Transco may file under its Gas Research Institute Charge Adjustment Provision to collect, in advance of payments to GRI, 1.26¢ per dt on sales and transportation deliveries. This charge will replace the currently effective charge of 1.46¢ per dt. All amounts collected under this provision will be remitted to GRI, less any applicable taxes.

Transco further states that copies of the filing have been mailed to each of its customers and State Commissions. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-28137 Filed 11-29-89; 8:45 am]

BILLING CODE 6717-01-M

#### Federal Energy Regulatory Commission

[Docket No. TQ90-1-30-001 and RP89-160-007]

#### Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

November 27, 1989.

Take notice that Trunkline Gas Company (Trunkline) on November 20, 1989, tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

#### First Substitute Seventy-Third Revised Sheet No. 3-A

The proposed effective date of this revised tariff sheet is December 1, 1989.

Trunkline states that the above-reference tariff sheet, as revised, is being filed in accordance with Section 154.308 (quarterly PGA filing) of the Commission's Regulations and pursuant to Section 18 (Purchased Gas Adjustment Clause) of Trunkline's FERC Gas Tariff, Original Volume No. 1 to reflect the change in Trunkline's jurisdictional rates effective December 1, 1989.

Trunkline states that it filed revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2 to comply with the Commission's Orders dated May 31, 1989 and October 31, 1989 in Docket No. RP89-160-000 to be effective November 1, 1989. This filing by Trunkline reflects the revised base tariff rates as filed in the above-referenced proceeding on November 13, 1989 adjusted to include the commodity rate decrease of (2.02¢) per Dt filed in Docket No. RP89-160-000 to be effective November 1, 1989 on October 31, 1989 in Trunkline's scheduled quarterly PGA filing Docket No. TQ90-1-30-000.

This filing by Trunkline is without prejudice to Trunkline's rights on rehearing on or in any judicial review proceeding or its position in Docket No. RP89-160-000.

Trunkline has requested any necessary waivers of the Commission's Regulations and the General Terms and Conditions of its PGA provisions in order to permit the revised tariff sheet to become effective as proposed.

Trunkline states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 5, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-28140 Filed 11-30-89; 8:45 am]

BILLING CODE 6717-01-M

#### Office of Environmental Restoration and Waste Management

#### Meeting on Participation in Environmental Restoration and Waste Management (ER&WM) Applied Research, Development, Demonstration, Testing and Evaluation (RDDT&E) Programs

**AGENCY:** U.S. Department of Energy, Office of Environmental Restoration and Waste Management.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Department of Energy (DOE) is holding a meeting to inform interested parties of the scope and purpose of its recently-published ER&WM Applied RDDT&E Five-Year Plan and to provide a forum for discussion of DOE's intent to conduct collaborative, cooperative, and directly funded RDDT&E with the private sector, universities, and other Government agencies.

Details of the meeting are as follows:

**Chairman:** Leo P. Duffy.

**Topics:** DOE plans for ER&WM, DOE plans for RDDT&E, DOE management of RDDT&E, DOE needs in ER&WM, DOE needs in RDDT&E, Industrial integration, Education initiatives, Procurement procedures, Proposal submission, Patent issues, and Liability issues.

**Who Should Attend:** Representatives of private firms, Government, and educational institutions which have capabilities in and are interested in performing needed ER&WM RDDT&E.

**Date(s):** 13th and 14th of December, 1989.

**Time(s):** 8:30 a.m.—5:00 p.m. on December 13, 1989, 8:30 a.m.—3:00 p.m. on December 14, 1989.

**Place:** San Francisco Marriott, San Francisco, California

**Format:** One and one-half days of presentations and a one-half day workshop on Five-Year Plan implementation, procurement strategy, and opportunities for cooperative, collaborative, and directly funded RDDT&E.

**Registration:** A registration fee of \$90.00 will be charged, covering costs of the meeting including lunch both days. Limited space is available. Advanced registration is recommended. For



registration information, call Donna McComb at (602) 624-7008.

Paul Grimm,

Acting Director, Office of Environmental Restoration and Waste Management.

[FR Doc. 89-28294 Filed 11-30-89; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3692-6]

### Environmental Impact Statements; Availability

*Responsible agency:* Office of Federal Activities, General Information (202) 382-5076 or (202) 382-5073.

Availability of Environmental Impact Statements Filed November 20, 1989 Through November 24, 1989 Pursuant to 40 CFR 1506.9.

*EIS No. 890331*, Draft, AFS, CA, Penney Ridge Fire Salvage and Resource Recovery Project, Implementation, Shasta-Trinity National Forest, Trinity County, CA, Due: January 16, 1990, Contact: Kenneth W. Smith (916) 352-4211.

*EIS No. 890332*, FSuppl, COE, NC, Wilmington Harbor Long-term Plan, Dredging and Disposal of Sediments, Implementation, New Hanover and Brunswick Counties, NC, Due: January 5, 1990, Contact: Frank Yelverton (919) 251-4640.

*EIS No. 890333*, Final, BLM, AZ, CA, Yuma District Wilderness Study Areas, Wilderness Designation, Recommendation, Havaru and Yuma Resource Areas, LaPaz, Mohave and Yuma Counties, AZ and Imperial, Riverside, and San Bernardino Counties, CA, Due: January 2, 1990, Contact: Darwin Snell (602) 726-6300.

*EIS No. 890334*, DSuppl, NOA, Longline and Pot Gear Sablefish Management, Revision to Management Plan, Approval and Implementation, Gulf of Alaska, Bering Sea and Aleutian Islands, AK, Due: January 16, 1990, Contact: Steven Pennoyer (907) 586-7221.

Dated: November 27, 1989.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 89-28200 Filed 11-30-89; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3692-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 13, 1989 through

November 17, 1989 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 1989 (54 FR 15006).

#### Draft EISs

*ERP No. DS-COE-L82005-WA* Rating LO, Washington Aquatic Plant Management Program Geographic and Treatment Related Program Update Implementation, Lewis and Pend Oreille Counties, WA.

*Summary:* EPA has reviewed the draft supplement and has no objections to the project as described ERP No. D-FHW-L40171-OR, Rating EC2, I-84 Widening, NE 181st Avenue to Sandy River, Funding and 404 Permit, Multnomah County, OR.

*Summary:* EPA major concerns with this project are based on potential impacts to ground-water resources, potential cumulative impacts, and the stated contribution of this project to growth in the project area

#### Final EISs

*ERP No. F-COE-G36030-LA*, Aloha-Rigolette Area Agriculture Flood Control Plan, Implementation, Red River Floodplain, Grant and Rapides Parishes, LA.

*Summary:* EPA finds that the Final EIS and the recommend plan of action, inclusive of the described mitigation plan satisfy our Agency's concerns.

*ERP No. FS-COE-H36016-IA*, West Des Moines and Des Moines Local Flood Control Protection, Polk County, IA.

*Summary:* EPA encouraged the City of Des Moines to mitigate for the loss of wetlands due to project construction.

*ERP No. F-DOE-J08023-ND*, Charlie Creek-Belfield 345 kV Transmission Line Project, Construction, Operation and Maintenance, Implementation, Billings, Stark, McKenzie and Dunn Counties, ND.

*Summary:* EPA believes the preferred alternative can be constructed and operated with minimal impact to the environment.

Dated: November 28, 1989.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 89-28201 Filed 11-30-89; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 21, 1989.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501-3520).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-3785. Copies of these comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, (202) 632-7513.

OMB Number: 3060-0180.

Title: Section 73.1610, Equipment Tests.

Action: Extension.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 771 responses; 386 hours total annual burden; 30 minutes average burden per respondent.

Needs and Uses: This rule requires the permittee of a new broadcast station to notify the Commission of plans to conduct equipment tests for the purpose of making adjustments and measurements. The information is used to ensure compliance with the terms of the construction permit and applicable engineering standards.

Federal Communication Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-28113 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1802]

### Petitions for Reconsideration of Actions in Rulemaking Proceedings

November 24, 1989.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these



documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor International Transcription Service (202-857-3800). Oppositions to these petitions must be filed on or before December 8, 1989. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

**Subject:** Amendment of section 73.202(b) Table of Allotments, FM Broadcast Stations. (Carmel, Carmel Valley, Hollister & Scotts Valley, CA) Petitions filed: 1

**Subject:** Amendment of section 73.606(b) Table of Allotments TV Broadcast Stations. (Decatur and Plano, Texas) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b) Table of Allotments FM Broadcast Stations. (Butler, Alabama and Bay Springs, Mississippi) (RM-6707) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b) Table of Allotments FM Broadcast Stations. (Glasgow, Kentucky) (RM-6750) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b) Table of Allotments, FM Broadcast Stations. (Muskegon Heights, Michigan) (RM-7138) Petitions Filed: 1

**Subject:** Provision of Aeronautical Services via the INMARSAT System. (CC Docket No. 87-75) Petitions Filed: 1

**Subject:** Flexible Allocation of frequencies in the Domestic Public Land Mobile Service for paging and other services. (CC Docket No. 87-120) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b) Table of Allotments, FM Broadcast Stations. (Provincetown, Dennis, Dennisport, West Yarmouth, and Harwichport, MA) (MM Docket No. 87-484, RM No. 6241) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b) Table of Allotments, FM Broadcast Stations. (Bartow, Chauncey, Dublin, Eastman, Jeffersonville, Lyons, Soperton and Unadilla, Georgia) (MM Docket No. 88-460, RM Nos. 6263, 6214, 6338, & 6601) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations. (Angola, Berne, Decatur, Lagrange and Roanoke, Indiana; and Brooklyn and Hudson, Michigan) (MM Docket No. 88-284, RM Nos. 6138, 6474 & 6489) Petitions Filed: 1

**Subject:** Amendment of section 73.202(b), Table of Allotments, FM

Broadcast Stations. (Winnebago, Nebraska) (MM Docket No. 88-502, RM No. 6449) Petitions Filed: 1

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 89-28114 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

### Applications for Consolidated Hearing

1. The Commission has before it the following groups of mutually exclusive applications for two new FM stations:

Applicant	File No.	MM Docket No.
A. Sound of Life, Inc.; Voorheesville, NY.	BPED-871214MC	89-504
B. Family Broadcasting, Inc.; Voorheesville, NY.	BPH-871215MA	
C. George M. Ragsdale, Daniel F. Files, Jr. and Gregory T. Lano d/b/a Mid-Atlantic Broadcasting Company; Voorheesville, NY.	BPH-871215MC	
D. WAMC; Voorheesville, NY.	BPED-871216MA	
E. Frances W. Bell; Voorheesville, NY.	BPH-871216MD	
F. R. Bryan Jackson; Voorheesville, NY.	BPH-871216ME	
G. Tri-Cities FM Limited Partnership; Voorheesville, NY.	BPH-871216MG	

### Issue Heading and Applicant(s)

- (See Appendix), G
- (See Appendix), G
- (See Appendix), G
- (See Appendix), G
- City Coverage, A,D
- Environmental, A,B,C,D,F
- Comparative, A,B,C,D,E,F,G
- Ultimate, A,B,C,D,E,F,G

### II.

Applicant	File No.	MM Docket No.
A. Pruitt and Owen; Corydon, IN.	BPH-860218MQ	87-559

### Issue Heading and Applicants

- Comparative, A
- Ultimate, A

2. Pursuant to section 309(e) of the Communications Act of 1934 as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its

entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO is this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

**J. Jan Gay,**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

### Appendix (Voorheesville, NY)

1. To determine whether Sunrise Management Services, Inc. is an undisclosed party-in-interest to G's (Tri-Cities) application.

2. To determine whether G's (Tri-Cities) organizational structure is a sham.

3. To determine whether G (Tri-Cities) violated Section 1.65 of the Commission's Rules and/or lacked candor by failing to report: (i) the designation of character issues against other applicants in which one or more of its partners has an ownership interest, (ii) the dismissal of such ownership interest and/or the dismissal of such applications with unresolved character issues pending, and (iii) the interest held by one or more of its partners in applications pending and/or dismissed with prejudice by the Commission.

4. To determine, from the evidence adduced pursuant to Issues 1 through 3 above, whether G (Tri-Cities) possesses the basic qualifications to be a licensee of the facilities sought herein.

[FR Doc. 89-28116 Filed 11-30-89; 8:45 am]

BILLING CODE 6712-01-M

### FEDERAL MARITIME COMMISSION

#### Agreement(s) Filed; South Europe/U.S.A. Freight Conference, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of



the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

**Agreement No.: 202-010676-040**

**Title:** South Europe/U.S.A. Freight Conference.

**Parties:**

Achille Lauro  
Compagnie Generale Maritime  
Compania Transatlantica Espanola S.A.  
Costa Container Line, A Division of Contship  
Containerlines Limited  
d'Amico Societa di Navigazione, S.p.A.  
Evergreen Marine Corporation (Taiwan) Ltd.  
Farrell Lines, Inc.  
"Italia" di Navigazione, S.p.A.  
Jugolinija  
Jugooceanija  
Lykes Bros. Steamship Co., Ltd.  
A.P. Moller-Maersk Line  
Nedlloyd Lijnen B.V.  
Sea-Land Service, Inc.  
P.O. Containers (TFL) Ltd.  
Zim Israel Navigation Company, Ltd.

**Synopsis:** The modification amends the geographic scope of the Agreement by deleting the transportation of cargo via Yugoslav ports and from points in Yugoslavia via all ports within the scope of the Agreement.

**Agreement No.: 212-010746-004**

**Title:** Columbus/Pace/SCNZ/PAD Space Charter and Sailing Agreement.

**Parties:**

Columbus Line  
Pace Line  
The Shipping Corporation of New Zealand Limited  
Australia New Zealand Direct Line  
Pacific Australia Direct Line

**Synopsis:** The modification proposes to (1) change the name of the Agreement to Columbus/Pace Space Charter and Sailing Agreement; (2) delete Australia-New Zealand Direct Line (ANZDL) as a party to the Agreement; (3) remove the names of The Shipping Corporation of New Zealand Limited (SCNZ) and Pacific Australia Direct Line (PAD) as parties to the Agreement due to the implementation of Agreement No. 207-011144; (4) delete the authority for the parties to pool revenues and (5) change certain Articles of the Agreement to conform with the new Australian Trade Practices (International Liner Cargo Shipping) Amendment Act 1989.

**Agreement No.: 203-011264**

**Title:** Yugoslavia/United States Discussion Agreement.

**Parties:**

Nedlloyd Lines, B.V.  
Zim Israel Navigation Company, Ltd.  
**Synopsis:** The Agreement authorizes the parties to discuss and exchange information on rates, charges, service contracts and other matters in the trade from ports in Yugoslavia and points in Yugoslavia via such ports and via Italian ports to ports on the U.S. Atlantic and Gulf coasts and to all U.S. interior and coastal points via such U.S. ports. The parties have no obligation under this Agreement, other than voluntarily, to adhere to any consensus or agreement reached.

By Order of the Federal Maritime Commission.

Dated: November 27, 1989.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 89-28132 Filed 11-30-89; 8:45 am]

BILLING CODE 6730-01-M

### Cancellation of Inactive Foreign Tariffs

By notice served September 25, 1989 and published in the Federal Register on September 29, 1989 (53 FR 40190), the Federal Maritime Commission notified 279 carriers of its intent to cancel their individual tariffs, in the absence of showing of good cause why such tariffs should not be cancelled.

The notice was served on 279 carriers by certified mail on September 25, 1989; and 33 carriers replied to the notice requesting that their tariffs remain active. Accordingly, the tariffs of the 33 carriers listed in Attachment A that responded to the notice will be retained in the Commission's active files.

It is misleading to the public, potentially unfair to competing carriers, and an unreasonable administrative burden on the Commission's staff for inactive tariffs to remain on file. Accordingly, the tariffs of the 246 carriers listed in Attachment B to this notice that failed to respond to the September 25, 1989 notice will be cancelled. It should be noted that certain information items on the attached lists may not apply to a particular carrier and are, therefore, designated not applicable (NA).

Now, therefore, it is ordered, That the tariffs of the 246 carriers listed on Attachment B be cancelled effective October 31, 1989.

It is further ordered, That a copy of this notice be sent by certified mail to the last known address of the carriers listed in the attachments to this notice.

It is further ordered, That this notice be published in the Federal Register.

This notice is issued pursuant to authority delegated to the Director, Bureau of Domestic Regulation by § 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Domestic Regulation.

### Carriers That Responded to the Notice of Intent To Cancel Inactive Foreign Tariffs

Acronym: Air Sea Transport Inc.

DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier

Street: 10 FL., No. 71 Sun Chiang Road

City: Taipei

State:

Country: Taiwan

License No.:

Name No.: 007075

Acronym: Asia Shipping Company Inc.

DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier

Street: 159 Tonnele Avenue

City: Jersey City

State: NJ 07306

Country: United States of America

License No.:

Name No.: 007832

Acronym: Cargolift (USA) Inc.

DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier

Street: 8084 Cherry Stone Avenue

City: Panorama City

State: CA 94102

Country: United States of America

License No.:

Name No.: 00649

Acronym: Cheetah Express Inc.

DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier

Street: 2262-A Landmeier Road

City: Elk Grove Village

State: IL 60007

Country: United States of America

License No.:

Name No.: 007808

Acronym: Chiao Feng Shipping Ltd.

DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier

Street: Room 1803, The Centre Mark, 287-299 Queen's Road, Central

City: Hong Kong

State:

Country: Hong Kong

License No.:

Name No.: 007988

Acronym: CMB Trutainer

DBA Name: NA.



Person type: Non-Vessel-Operating  
Common Carrier  
Street: Meir 1  
City: B-2000 Antwerp  
State:  
Country: Belgium  
License No.:  
Name No.: 007513  
Acronym: Conrado's Cargo  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 2449-A E. Plaza Blvd.  
City: National City  
State: CA 92050  
Country: United States of America  
License No.:  
Name No.: 007148  
Acronym: Container Lines Ltd.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier, Ocean Common  
Carrier (Vessel Operating)  
Street: 20/21 Princess Street—Hanover  
Street  
City: London WIR8PX  
State:  
Country: Great Britain  
License No.:  
Name No.: 000812  
Acronym: Continental Seacorp Shipping,  
Ltd.  
DBA Name: NA.  
Person type: Ocean Common Carrier  
(Vessel Operating)  
Street: Butterfield Plaza  
City: Providenciales  
State:  
Country: Turks and Caicos Islands  
License No.:  
Name No.: 007318  
Acronym: Cornell Air Freight Limited  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 155-06 South Conduit Avenue  
City: Jamaica  
State: NY 11434  
Country: United States of America  
License No.:  
Name No.: 001772  
Acronym: Dachser Transport of America  
Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 175-01 Rockaway Boulevard,  
Suite 301  
City: Jamaica  
State: NY 11434  
Country: United States of America  
License No.:  
Name No.: 000917  
Acronym: Dyer International, Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier

Street: 1782 Clear Lake Drive  
City: Milpitas  
State: CA 95035  
Country:  
License No.:  
Name No.: 008232  
Acronym: Excel International Freight  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 800 E. Wardlow Road  
City: Long Beach  
State: CA 90807  
Country: United States of America  
License No.:  
Name No.: 001264  
Acronym: Gulf Carib Lines Ltd.  
DBA Name: NA.  
Person type: Ocean Common Carrier  
(Vessel Operating)  
Street: P.O. Box 1500  
City: Tampa  
State: FL 33601  
Country: United States of America  
License No.:  
Name No.: 007710  
Acronym: Hemisphere Navigation &  
Trading Corp.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 43 Park Street—2nd Floor  
City: New York  
State: NY 10007  
Country: United States of America  
License No.:  
Name No.: 007509  
Acronym: International Aero-Sea  
Forwarders Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 11222 La Cienega Blvd., #525  
City: Inglewood  
State: CA 90304  
Country: United States of America  
License No.:  
Name No.: 007778  
Acronym: International Exhibits  
Transport, Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 150 Broadway—Suite 1809  
City: New York  
State: NY 10038  
Country: United States of America  
License No.:  
Name No.: 001360  
Acronym: Lloyd International, Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 26 Lantern Lane  
City: Weymouth  
State: MA 02188  
Country: United States of America

License No.:  
Name No.: 005921  
Acronym: Macs Maritime Carrier  
Shipping GmbH & Company  
DBA Name: NA.  
Person type: Ocean Common Carrier  
(Vessel Operating)  
Street: Vorsetzen 50  
City: 2000 Hamburg 11  
State:  
Country: German Federal Republic  
(West)  
License No.:  
Name No.: 001639  
Acronym: Marcon Line Ltd.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 2016 University Drive  
City: Compton  
State: CA 90220  
Country: United States of America  
License No.:  
Name No.: 001654  
Acronym: Mollie Limited  
DBA Name: NA.  
Person type: Ocean Common Carrier  
(Vessel Operating)  
Street: P.O. Box 488, Marsh Harbour  
City: Abaco, Bahamas  
State:  
Country: Bahama Islands  
License No.:  
Name No.: 006679  
Acronym: Nantai Line Co., Ltd.  
DBA Name: NA.  
Person type: Ocean Common Carrier  
(Vessel Operating)  
Street: IBM Bldg. 3 Fl. No. 2 Tun-Hwa S.  
Rd.  
City: Taipei  
State:  
Country: Taiwan 10588  
License No.:  
Name No.: 006143  
Acronym: New Port Shipping Lines Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 2450 Delta Lane  
City: Elk Grove Village  
State: IL 60007  
Country: United States of America  
License No.:  
Name No.: 007109  
Acronym: Ocean-Air International, Inc.  
DBA Name: NA.  
Person type: Non-Vessel-Operating  
Common Carrier  
Street: 11222 La Cienega Blvd., #475  
City: Inglewood  
State: CA 90304  
Country: United States of America  
License No.:  
Name No.: 001279  
Acronym: Overseas Express Line



DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1675 S. Elmhurst Road  
 City: Elk Grove Village  
 State: IL 60007  
 Country: United States of America  
 License No.:  
 Name No.: 007635  
 Acronym: Overseas Super Express, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1207 Mahalo Place  
 City: Compton  
 State: CA 90220  
 Country: United States of America  
 License No.:  
 Name No.: 002140  
 Acronym: Overseas Transportation  
 Consultants, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 9096 Railwood  
 City: Houston  
 State: TX 77078  
 Country: United States of America  
 License No.:  
 Name No.: 006179  
 Acronym: South China Consolidation  
 Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 11/F., Victoria Heights Bldg.  
 192-194, Nathan Road  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007835  
 Acronym: Strand Freight System, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Bldg. #5, Brooklyn Navy Yard  
 City: Brooklyn  
 State: NY 11205  
 Country: United States of America  
 License No.:  
 Name No.: 001193  
 Acronym: Trans-Union Container Line  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 11222 La Cienega Blvd. Suite 540  
 City: Inglewood  
 State: CA 90304  
 Country: United States of America  
 License No.:  
 Name No.: 000640  
 Acronym: W.L. Shipping Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Room 2301, AL-A4 Nan Fung  
 Centre, 264-298 Castle Peak Road

City: Tsuen Wan, N.T.  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007833  
 Acronym: World Express Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 55 American Legion Highway  
 City: Revere  
 State: MA 02151  
 Country: United States of America  
 License No.:  
 Name No.: 000745  
 Acronym: Worldtrend Shipping, Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8/F, Greatmany Commercial  
 Centre, 109-115 Queen's Road, East  
 City: Wanchai  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007308  
**Carriers That Failed To Respond to the  
 Notice of Intent To Cancel Inactive  
 Foreign Tariffs**  
 Acronym: A. K. Express  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier Ocean Freight  
 Forwarder (Independent)  
 Street: 367 W. Victoria Street  
 City: Gardena  
 State: CA 90248  
 Country: United States of America  
 License No.: 2858  
 Name No.: 000152  
 Acronym: A/S Deep Sea Shipping Ltd.  
 DBA Name: D.S.S., Inc.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 90 West Street, Suite 1100  
 City: New York  
 State: NY 10006  
 Country: United States of America  
 License No.:  
 Name No.: 001794  
 Acronym: Access Cargo Services Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 787 San Bruno Ave. East  
 City: San Bruno  
 State: CA 94066  
 Country: United States of America  
 License No.:  
 Name No.: 007931  
 Acronym: Aeromar Express  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1505 E. Del Amo Boulevard  
 City: Carson  
 State: CA 90745

Country: United States of America  
 License No.:  
 Name No.: 007025  
 Acronym: Aeropac  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 2750 N.W. 79th Avenue  
 City: Miami  
 State: FL 33122  
 Country: United States of America  
 License No.:  
 Name No.: 007066  
 Acronym: Africa Box Line, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 147-95 Farmers Boulevard  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 000173  
 Acronym: Air Services  
 DBA Name: Agency International  
 Forwarding, Inc.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3979 N.W. 24th Street  
 City: Miami  
 State: FL 33124  
 Country:  
 License No.:  
 Name No.: 008169  
 Acronym: Air Sea Land Cargo  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 2829 1/2 Fletcher Drive  
 City: Los Angeles  
 State: CA 90039  
 Country: United States of America  
 License No.:  
 Name No.: 007029  
 Acronym: Airline Airfreight (JFK) Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 182-30 150th Road  
 City: Jamaica  
 State: NY 11413  
 Country: United States of America  
 License No.:  
 Name No.: 007831  
 Acronym: Alaska Outport  
 Transportation Association Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 659 N.E. Northlake Way  
 City: Seattle  
 State: WA 98105  
 Country: United States of America  
 License No.:  
 Name No.: 007327



Acronym: Albury's International Shipping, Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: P.O. Box N3456  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No.:  
 Name No.: 000191  
 Acronym: All Americas Marine Forwarding Co.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 7001 N.W. 25th Street  
 City: Miami  
 State: FL 33122  
 Country:  
 License No.:  
 Name No.: 008210  
 Acronym: All Cargo Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 167-10 South Conduit Avenue  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 006678  
 Acronym: All-Oceans Express Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: Suite 2300 No. 3 Embarcadero Center  
 City: San Francisco  
 State: CA 94111  
 Country: United States of America  
 License No.:  
 Name No.: 000207  
 Acronym: Allgreen Worldwide Express  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 1875 House Lane  
 City: Hanover  
 State: IL 60103  
 Country: United States of America  
 License No.:  
 Name No.: 005836  
 Acronym: Alto International Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 89-15 127th Street  
 City: Richmond Hill  
 State: NY 11418  
 Country: United States of America  
 License No.:  
 Name No.: 007074  
 Acronym: Always Ocean Transport  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier

Street: 167-16 146th Avenue  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 007089  
 Acronym: American Caribbean Transport, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: P.O. Box 3399  
 City: Humble  
 State: TX 77347  
 Country: United States of America  
 License No.:  
 Name No.: 006991  
 Acronym: American Gulf Shipping Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 2420 Athania Parkway, Suite 300  
 City: Metairie  
 State: LA 70002  
 Country: United States of America  
 License No.:  
 Name No.: 005851  
 Acronym: American Shipping Lines  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 11320 South Post Oak Road, #214  
 City: Houston  
 State: TX 77035  
 Country: United States of America  
 License No.:  
 Name No.: 006615  
 Acronym: Americas Container Line Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 32 South Street  
 City: Baltimore  
 State: MD 21202  
 Country: United States of America  
 License No.:  
 Name No.: 006196  
 Acronym: Anchor Maritime Lines, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 8003 NW. 67th Street  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No.:  
 Name No.: 000252  
 Acronym: Andean Line N.V.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: J. Kenneddy Lann 30  
 City: 9020 Gent  
 State:  
 Country: Belgium  
 License No.:  
 Name No.: 006312

Acronym: Anderson Shipping Company, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: P.O. Box 1554  
 City: Tustin  
 State: CA 92680  
 Country: United States of America  
 License No.:  
 Name No.: 007443  
 Acronym: Astro Traders, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 1246 Artesia Boulevard  
 City: Long Beach  
 State: CA 90805  
 Country: United States of America  
 License No.:  
 Name No.: 006675  
 Acronym: B.C.R. Line  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: C/O MTO-Maritime Transport Overseas GMBH, AM Seestern 24  
 City: D-4000 Dusseldorf 11  
 State:  
 Country: German Federal Republic (West)  
 License No.:  
 Name No.: 000324  
 Acronym: Bahama Shipping Lines, Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: P.O. Box N-4645  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No.:  
 Name No.: 000337  
 Acronym: Bangkok Shipping  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 8232 Coldwater Canyon Avenue  
 City: North Hollywood  
 State: CA 91605  
 Country: United States of America  
 License No.:  
 Name No.: 007849  
 Acronym: Banks Shipping, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 1241 Public Ledger Bldg.  
 City: Philadelphia  
 State: PA 19106  
 Country: United States of America  
 License No.:  
 Name No.: 000346  
 Acronym: Barber Transport Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier



Street: 1 Jacobus Avenue, Bldg. 9A  
 City: S. Kearny  
 State: NJ 07032  
 Country: United States of America  
 License No.:  
 Name No.: 008145  
 Acronym: Beaver Marine Lines  
 DBA Name: NA.  
 Person type: Ocean Freight Forwarder  
 (Independent), Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 38489  
 City: Denver  
 State: CO 80236  
 Country: United States of America  
 License No.: 2531  
 Name No.: 000357  
 Acronym: Benship International, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 145th Avenue and Hook Creek  
 Road  
 City: Valley Stream  
 State: NY 11581  
 Country: United States of America  
 License No.:  
 Name No.: 007773  
 Acronym: Brasca Line  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Klipperstraat, 15  
 City: D 2030 Antwerp  
 State:  
 Country: Belgium  
 License No.:  
 Name No.: 006083  
 Acronym: Bywater Shipping, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8320 Benjamin Street  
 City: Chalmette  
 State: LA 70043  
 Country: United States of America  
 License No.:  
 Name No.: 006960  
 Acronym: C.C.C. of Georgia, Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: P.O. Box 2317  
 City: Brunswick  
 State: GA 31521  
 Country: United States of America  
 License No.:  
 Name No.: 007036  
 Acronym: Cal International Freight  
 Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1543 East Delarno Blvd.  
 City: Carson  
 State: CA 90746  
 Country: United States of America

License No.:  
 Name No.: 007783  
 Acronym: Canadian Tropic Line  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 100 Park Royal, Suite 1102  
 City: W. Vancouver V7T 1A2  
 State:  
 Country: Canada  
 License No.:  
 Name No.: 006316  
 Acronym: Canadian-American Shipping  
 Corp.  
 DBA Name: Can-Am Line  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 157-21 Rockaway Blvd.  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 006673  
 Acronym: Cancun Shipping Corp.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 890 South Dixie Highway  
 City: Coral Gables  
 State: FL 33146  
 Country: United States of America  
 License No.:  
 Name No.: 007124  
 Acronym: Capella Marine Service, S.A.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 37-74 Oficina 105, Via Espana,  
 Edificio Rafael  
 City: Panama City  
 State:  
 Country: Republic of Panama  
 License No.:  
 Name No.: 006234  
 Acronym: Cargo King Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1079 West Side Avenue, P.O. Box  
 3143  
 City: Jersey City  
 State: NJ 07303  
 Country: United States of America  
 License No.:  
 Name No.: 005990  
 Acronym: Cargo Mania Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 5088 NW 74th Avenue  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No.:  
 Name No.: 05994  
 Acronym: Cargo Masters International  
 Inc.

DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8807 Pioneer Blvd., Unit E  
 City: Santa Fe Springs  
 State: CA 90670  
 Country: United States of America  
 License No.:  
 Name No.: 005962  
 Acronym: Cargo Point International Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 45 John Street, Suite 902  
 City: New York  
 State: NY 10038  
 Country: United States of America  
 License No.:  
 Name No.: 005995  
 Acronym: Cargo, S.P.A.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Via Del Caravaggio, 6  
 City: 20144 Milano  
 State:  
 Country: Italy  
 License No.:  
 Name No.: 005997  
 Acronym: Caribbean Intefica Line  
 DBA Name: Cari Line  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 4210 NW. 2nd Street, Suite 1  
 City: Miami  
 State: FL 33126  
 Country: United States of America  
 License No.:  
 Name No.: 007924  
 Acronym: CCN  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 444 Brickell Avenue, Suite 1015  
 City: Miami  
 State: FL 33131  
 Country: United States of America  
 License No.:  
 Name No.: 006071  
 Acronym: CCS Cargo Services Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 225 Broadway, Suite 304  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No.:  
 Name No.: 007641  
 Acronym: Cedar Star Line  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel-Operating)  
 Street: Port Str—Bohsali Bldg., P.O. Box  
 90-1460 (Jdeidet El Metn)  
 City: Beirut, Lebanon  
 State:



Country: Lebanon  
 License No.:  
 Name No.: 007498  
 Acronym: CGM/Interline  
 DBA Name: Interline Connection, Inc.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 350 Calle Comercil  
 City: San Juan  
 State: PR 00905  
 Country: United States of America  
 License No.:  
 Name No.: 006964  
 Acronym: Christensen Canadian African  
 Lines  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Ranvik  
 City: 3200 Sandefjord  
 State:  
 Country: Norway  
 License No.:  
 Name No.: 000754  
 Acronym: Coastal International Cargo  
 and Travel Svc  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 9346 Van Nuys Blvd., #2  
 City: Panorama City  
 State: CA 91492  
 Country: United States of America  
 License No.:  
 Name No.: 007092  
 Acronym: Coburn Shipping Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 50-58 Alco Place  
 City: Baltimore  
 State: MD 21227  
 Country: United States of America  
 License No.:  
 Name No.: 007602  
 Acronym: Compagnie Maritime Zairoise  
 DBA Name: CMZ Connectainer  
 Person type: Controlled Carrier  
 Street: B.P. 9496  
 City: Kinshasa  
 State:  
 Country: Zaire  
 License No.:  
 Name No.: 000785  
 Acronym: Compagnie Marocaine De  
 Navigation  
 DBA Name: Comanav  
 Person type: Controlled Carrier  
 Street: 7, Boulevard De La Resistance  
 City: Casablanca 05  
 State:  
 Country: Morocco  
 License No.:  
 Name No.: 005965  
 Acronym: Consolidated Cargo Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier

Street: 42 Broadway Suite 1545  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No.:  
 Name No.: 000804  
 Acronym: Consolidated International  
 Freightways  
 DBA Name: NA.  
 Person type: Non-Vessel Operating  
 Common Carrier  
 Street: 8213 N. Denver Avenue  
 City: Portland  
 State: OR 97217  
 Country: United States of America  
 License No.:  
 Name No.: 007979  
 Acronym: Container Express Lines Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 725 Market Street  
 City: Wilmington  
 State: DE 19801  
 Country: United States of America  
 License No.:  
 Name No.: 007139  
 Acronym: Continental Movers, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 1606  
 City: Christiansted, St. Croix  
 State: VI 00820  
 Country: United States of America  
 License No.:  
 Name No.: 002699  
 Acronym: Crossroads Freight Systems,  
 Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1801 Hunter St.  
 City: Los Angeles  
 State: CA 90021  
 Country: United States of America  
 License No.:  
 Name No.: 000843  
 Acronym: CTN Consolidators and  
 Distributors, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Elizabeth Seaport, 250 North  
 Avenue East  
 City: Elizabeth  
 State: NJ 07020  
 Country: United States of America  
 License No.:  
 Name No.: 006352  
 Acronym: Dania Lines Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 6448 Ella Lee #2  
 City: Houston  
 State: TX 77057

Country: United States of America  
 License No.:  
 Name No.: 006077  
 Acronym: Danielle International  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 147-04 176 Street  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 000911  
 Acronym: Diamond Freight  
 Consolidators, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8432 N.W. 66th Street  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No.:  
 Name No.: 006758  
 Acronym: Domedar International  
 Corporation  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1111 El Sagundo Blvd  
 City: El Sagundo  
 State: CA 90145  
 Country: United States of America  
 License No.:  
 Name No.: 006778  
 Acronym: Dominican Consolidators  
 DBA Name: NA.  
 Person type: Non-Vessel Operating  
 Common Carrier  
 Street: 163-15 Willowbrook Dr.  
 City: North Brunswick  
 State: NJ 08902  
 Country: United States of America  
 License No.:  
 Name No.: 006936  
 Acronym: Eurasia International Freight,  
 Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 5th Floor, No. 215, Sec. 3,  
 Nanking E. Rd. T.  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 006920  
 Acronym: Euro Italian Freight Systems  
 S.R.L.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Corso Sempione 60  
 City: 20154 Milano  
 State:  
 Country: Italy  
 License No.:



Name No.: 006101  
 Acronym: Export Lines Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 280 Ellsworth Avenue  
 City: Staten Island  
 State: NY 10312  
 Country: United States of America  
 License No.:  
 Name No.: 001265  
 Acronym: Far East Container Services,  
 Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Tsin Sha Tsui—P.O. Box 85724  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 001776  
 Acronym: Far East Freight, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 79-11 41st Ave  
 City: Elmhurst  
 State: NY 11373  
 Country: United States of America  
 License No.:  
 Name No.: 005730  
 Acronym: Fednav (USA) Inc.  
 DBA Name: Fednav Lakes Services  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 174 S. Clark Street  
 City: Detroit  
 State: MI 48209  
 Country: United States of America  
 License No.:  
 Name No.: 006134  
 Acronym: Finn Container Cargo  
 Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier, Ocean Common  
 Carrier (Vessel Operating)  
 Street: 1921 Bolsover  
 City: Houston  
 State: TX 77005  
 Country:  
 License No.:  
 Name No.: 008400  
 Acronym: Four Stars Forwarding  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 26046  
 City: San Diego  
 State: CA 92126  
 Country: United States of America  
 License No.:  
 Name No.: 007825  
 Acronym: Freeway Enterprises  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier

Street: 2029 Chateau Avenue  
 City: Anaheim  
 State: CA 92804  
 Country: United States of America  
 License No.:  
 Name No.: 006680  
 Acronym: French Groupage Services  
 DBA Name: Interline Connection  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 22 Lue Due Beneral De Gaulle  
 City: St. Martin  
 State:  
 Country: French Guiana  
 License No.:  
 Name No.: 006940  
 Acronym: Friendship Lines, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 159 Broad Street  
 City: Brooklyn  
 State: NY 11231  
 Country: United States of America  
 License No.:  
 Name No.: 006786  
 Acronym: Full Speed Maritime Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 709-710 Sincere Building, 173 Des  
 Voeux Road Central  
 City: Hong Kong  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 006244  
 Acronym: Gemini Shipping, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 12214 Cardston Court  
 City: Tomball  
 State: TX 77375  
 Country: United States of America  
 License No.:  
 Name No.: 007274  
 Acronym: Genebell International Freight  
 Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 10855 Magnolia Blvd.  
 City: North Hollywood  
 State: CA 91601  
 Country: United States of America  
 License No.:  
 Name No.: 006666  
 Acronym: General American Transport  
 Organization Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 8453  
 City: Woodlands  
 State: TX 77387  
 Country: United States of America

License No.:  
 Name No.: 006252  
 Acronym: General Line, Ltd.  
 DBA Name: General Line  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 25 Warehouse Road, P.O. Box  
 3660 Apapa  
 City: Lagos  
 State:  
 Country: Nigeria  
 License No.:  
 Name No.: 007083  
 Acronym: Global International U.S.A.,  
 Inc.  
 DBA Name: Global International  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 13430 Northwest Freeway, Ninth  
 Floor  
 City: Houston  
 State: TX 77040  
 Country: United States of America  
 License No.:  
 Name No.: 004556  
 Acronym: Global Seacargo Express  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 4402 West Jefferson Blvd.  
 City: Los Angeles  
 State: CA 90016  
 Country: United States of America  
 License No.:  
 Name No.: 007955  
 Acronym: Grande Monde Travel and  
 Forwarding Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 9658 Garden Grove Blvd., Suite  
 203  
 City: Garden Grove  
 State: CA 92644  
 Country: United States of America  
 License No.:  
 Name No.: 006745  
 Acronym: Great Western Shipping Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 241 E. Redondo Beach Blvd.  
 City: Gardena  
 State: CA 90248  
 Country: United States of America  
 License No.:  
 Name No.: 006833  
 Acronym: GS Ocean Freight Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 106 Tam Kung Road, G/F.  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007487



Acronym: Guangdong International Shipping Co., Ltd.  
 DBA Name: NA.  
 Person type: Controlled Carrier  
 Street: 25/F., Yardley Commercial Building, 1-3 Connaught Road, West  
 City: Hong Kong  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 000484  
 Acronym: Haniel Transport (Taiwan) Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 9F1., 111, Nanking East Road, Sec. 2.  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 007648  
 Acronym: Hemisphere Navigation Co. Inc.  
 DBA Name: Caribbean Project Lines  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 43 Park Place  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No.:  
 Name No.: 005852  
 Acronym: Hi Hi Santi Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 136-F South Linden Ave.  
 City: South San Francisco  
 State: CA 94080  
 Country: United States of America  
 License No.:  
 Name No.: 007320  
 Acronym: Home Boys Shipping Company, The  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: P.O. Box 422, Marsh Harbour  
 City: Abaco  
 State:  
 Country: Bahama Islands  
 License No.:  
 Name No.: 06354  
 Acronym: Hong Kong Islands Line  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 249 E. Ocean Blvd., Suite 900  
 City: Long Beach  
 State: CA 90802  
 Country: United States of America  
 License No.:  
 Name No.: 001447  
 Acronym: I.C.E. Express, Inc.  
 DBA Name: NA.

Person type: Non-Vessel-Operating Common Carrier  
 Street: 1819 Jackson Street, Suite 4  
 City: San Francisco  
 State: CA 94109  
 Country: United States of America  
 License No.:  
 Name No.: 007565  
 Acronym: IFS Lines, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 8 Hook Road  
 City: Bayonne  
 State: NJ 07002  
 Country: United States of America  
 License No.:  
 Name No.: 006945  
 Acronym: Imperial Lines Corporation  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 7000 SW. 62 Avenue, Suite 555-A  
 City: Miami  
 State: FL 33143  
 Country: United States of America  
 License No.:  
 Name No.: 007649  
 Acronym: Integrated Caribbean Line, S.A.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: Napoles 36-501  
 City: 06600 Mexico, D.F.  
 State:  
 Country: Mexico  
 License No.:  
 Name No.: 006899  
 Acronym: Inter Oceanic Freight, S.A.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: Ave. Romulo Betancourt #335  
 City: Santo Domingo  
 State:  
 Country: Dominican Republic  
 License No.:  
 Name No.: 005944  
 Acronym: Inter-Mart Consolidators, Co.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 8501 Wilshire Blvd., Suite 130  
 City: Beverly Hills  
 State: CA 90211  
 Country: United States of America  
 License No.:  
 Name No.: 007113  
 Acronym: Interasia Lines, Ltd.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 2-3 3-Chome, Marunochi, Chiyoda-ku  
 City: Tokyo 100  
 State:

Country: Japan  
 License No.:  
 Name No.: 001335  
 Acronym: International Cargo Consolidation, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 5 FL-A, Li Fung Tower No. 1, Nanking E. Rd., Sec. 4  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 007570  
 Acronym: International Transportation Network, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 2340 South El Camino Real, Suite 14  
 City: San Clemente  
 State: CA 92672  
 Country: United States of America  
 License No.:  
 Name No.: 006748  
 Acronym: Intersea Shipping Company, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 287 Syosset-Woodbury Road  
 City: Woodbury  
 State: NY 11797  
 Country: United States of America  
 License No.:  
 Name No.: 001376  
 Acronym: IPI Transport, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 320 Pine Avenue, #400  
 City: Long Beach  
 State: CA 90802  
 Country: United States of America  
 License No.:  
 Name No.: 007930  
 Acronym: Island Shipping Lines, Ltd.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: P.O. Box 801  
 City: Red Bank  
 State: NJ 07701  
 Country: United States of America  
 License No.:  
 Name No.: 006084  
 Acronym: Jamaica Express Consolidators, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 60 Kellogg Street  
 City: Jersey City  
 State: NJ 07035  
 Country: United States of America



License No.:  
 Name No.: 007336  
 Acronym: Japan Multimodal Transport Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: C/O Yamashin Kogyo Co., Ltd., 3-19 Kanda-Nishiki-Cho  
 City: Chiyoda-ku, Tokyo  
 State:  
 Country: Japan  
 License No.:  
 Name No.: 005674  
 Acronym: K/S Nosac A/S  
 DBA Name: Nosac  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: P.O. Box 27, Smetad  
 City: 0309 Oslo 3  
 State:  
 Country: Norway  
 License No.:  
 Name No.: 007034  
 Acronym: Kaitone Shipping Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 249 Des Voeux Road C, Room 1102-2, Tung Ning Bldg.  
 City: Hong Kong  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 006938  
 Acronym: Kawasaki Kisen Kaisha, Ltd.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 2P9 Nishi-Shinbashi, 1-Chome, Minato-Ku  
 City: Tokyo 105  
 State:  
 Country:  
 License No.:  
 Name No.: 001466  
 Acronym: Korea Shipping Corp.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 188-3, 1-Ka, Eulji-Ro, Choong-Ku CPO Box 1164  
 City: Seoul 100  
 State:  
 Country: Republic of Korea  
 License No.:  
 Name No.: 001456  
 Acronym: L.K. Overseas Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 555 E. Ocean Blvd. #818  
 City: Long Beach  
 State: CA 90802  
 Country: United States of America  
 License No.:  
 Name No.: 005911

Acronym: L.K.B. Marine  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 314 Lang Road  
 City: Burlingame  
 State: CA 94010  
 Country: United States of America  
 License No.:  
 Name No.: 006947  
 Acronym: Latinvan, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 2100 NW 94 Ave.  
 City: Miami  
 State: FL 33172  
 Country: United States of America  
 License No.:  
 Name No.: 001590  
 Acronym: Leadway Express Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 7F-1, No 73 Fu Hsing N. Road  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 007998  
 Acronym: Lessco Trading Inc.  
 DBA Name: Lessco Shipping  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 148 S.W. 8th Street  
 City: Miami  
 State: FL 33130  
 Country: United States of America  
 License No.:  
 Name No.: 007297  
 Acronym: Low Country International, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: P.O. Box 15173  
 City: Washington  
 State: DC 20019  
 Country: United States of America  
 License No.:  
 Name No.: 005919  
 Acronym: M.B.C. Lines  
 DBA Name: M.B.C. Lines  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street:  
 City: Panama  
 State:  
 Country: Republic of Panama  
 License No.:  
 Name No.: 005942  
 Acronym: Maine Line Transport, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 217 Read Street  
 City: Portland

State: OR 04101  
 Country: United States of America  
 License No.:  
 Name No.: 006592  
 Acronym: Majestic Freight System Corporation  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 8816 S. Sepulveda Blvd., Suite 102  
 City: Los Angeles  
 State: CA 90045  
 Country: United States of America  
 License No.:  
 Name No.: 007072  
 Acronym: Majesty International, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 10950 S.W. 117th Place  
 City: Miami  
 State: FL 33187  
 Country: United States of America  
 License No.:  
 Name No.: 007502  
 Acronym: Manila Freight Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 213 E. Maude Avenue, Suite 112  
 City: Sunnyvale  
 State: CA 94086  
 Country: United States of America  
 License No.:  
 Name No.: 007774  
 Acronym: Manila International Freight Services  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 1543 E. Del Amo Blvd.  
 City: Carson  
 State: CA 90746  
 Country: United States of America  
 License No.:  
 Name No.: 007341  
 Acronym: Marden Freight Systems, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 7489 N.W. 7th Street  
 City: Miami  
 State: FL 33126  
 Country: United States of America  
 License No.:  
 Name No.: 006847  
 Acronym: Marfret  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 13, Quai De La Joliette  
 City: 13002 Marseille  
 State:  
 Country: France  
 License No.:  
 Name No.: 007141



Acronym: Marininvest Funds S.A.  
 DBA Name: Dominican Ferries  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Gustavo Mejia Ricart No. 80, Ens  
 Plantina  
 City: Santo Domingo  
 State:  
 Country: Dominican Republic  
 License No.:  
 Name No.: 005857  
 Acronym: Master Freight Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Block "B" 15th Floor, Hong Kui  
 Building, 311 Nathab Road  
 City: Kowloon  
 State:  
 Country: Hong Hong  
 License No.:  
 Name No.: 007118  
 Acronym: Mediterranean Shipping and  
 Transport S.A.R.L.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 175324, Pasteur Street  
 City: Beirut  
 State:  
 Country: Lebanon  
 License No.:  
 Name No.: 007935  
 Acronym: Mer-Line-Shipping Company  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 2700 Greens Road, Bldg. K  
 City: Houston  
 State: TX 77032  
 Country: United States of America  
 License No.:  
 Name No.: 007886  
 Acronym: Milwaukee Liner Service, Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 500 Nor Harbor Driver  
 City: Milwaukee  
 State: WI 53202  
 Country: United States of America  
 License No.:  
 Name No.: 007070  
 Acronym: Multi-Trade Lines  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 504 156 Park Avenue  
 City: Rutherford  
 State: NJ 07070  
 Country: United States of America  
 License No.:  
 Name No.: 006361  
 Acronym: Mystery Lady Trading Co.,  
 LTD.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)

Street: Grand Turk  
 City: Turks & Caico Isle  
 State:  
 Country: Turks and Caico Islands  
 License No.:  
 Name No.: 007905  
 Acronym: N.T. Cargo Service  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1390 E. Burnett Street, Suite E.  
 City: Signal Hill  
 State: CA 90806  
 Country: United States of America  
 License No.:  
 Name No.: 007076  
 Acronym: Navisan Line  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3201 N.W. S. River Drive  
 City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No.:  
 Name No.: 007897  
 Acronym: Near East Container Lines  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Via A Vespucci 9/20  
 City: Naples  
 State:  
 Country: Italy  
 License No.:  
 Name No.: 006156  
 Acronym: Neth Box Consolidators B.V.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Seven Dey Street, Suite 711  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No.:  
 Name No.: 006344  
 Acronym: Network Container Line, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 9721 Kempwood  
 City: Houston  
 State: TX 77080  
 Country: United States of America  
 License No.:  
 Name No.: 008028  
 Acronym: New Tradewinds Int'l, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 90 West Street, Suite 2201  
 City: New York  
 State: NY 10006  
 Country:  
 License No.:  
 Name No.: 008118  
 Acronym: Ocean Express Lines, Inc.

DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 840 Mark Street  
 City: Elk Grove Village  
 State: IL 60007  
 Country: United States of America  
 License No.:  
 Name No.: 001282  
 Acronym: Ocean General Line  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: One Intercontinental Way  
 City: Peabody  
 State: WA 01980  
 Country: United States of America  
 License No.:  
 Name No.: 007121  
 Acronym: Oceanide Express, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 9000 Bellanca Ave., Suite 25 & 26  
 City: Los Angeles  
 State: CA 90045  
 Country: United States of America  
 License No.:  
 Name No.: 007497  
 Acronym: OCS-CF International  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 300 4th Street  
 City: San Francisco  
 State: CA 94107  
 Country: United States of America  
 License No.:  
 Name No.: 006693  
 Acronym: Orient Consolidation Service  
 (Hong Kong) LTD  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Room 1305-8, 13th Floor, Albion  
 Plaza 2-6 Granville Rd.  
 City: Tsimshatsui, Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 006988  
 Acronym: Orient Express  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3824 S. Santa Fe, Unite No. 1  
 City: vernon  
 State: CA 90058  
 Country: United States of America  
 License No.:  
 Name No.: 007123  
 Acronym: Overseas Moving Specialists,  
 Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 112 North 12th Street



City: Brooklyn  
 State: NY 11211  
 Country: United States of America  
 License No.:  
 Name No.: 001310  
 Acronym: Overseas Transport  
 International Corp.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 30 Montgomery Street, Suite 1440  
 City: Jersey City  
 State: NJ 07302  
 Country: United States of America  
 License No.:  
 Name No.: 006074  
 Acronym: Ozean/Stinnes Lines  
 DBA Name: NA.  
 Person type: Foreign Joint Service—  
 Consortium Agreement  
 Street: Ballindamm 8  
 City: 2000 Hamburg 1  
 State:  
 Country: Germany Federal Republic  
 (West)  
 License No.:  
 Name No.: 008623  
 Acronym: P.T. Trihora Lloyd  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 1 Jalan Malaka  
 City: Jakarta  
 State:  
 Country: Indonesia  
 License No.:  
 Name No.: 000623  
 Acronym: Pac-Asiatic Container Line  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3766 Gaviota Avenue  
 City: Long Beach  
 State: CA 90807  
 Country: United States of America  
 License No.:  
 Name No.: 007950  
 Acronym: Pacific Container Lines Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 939 S. Atlantic Blvd. #207  
 City: Monterey Park  
 State: CA 91754  
 Country: United States of America  
 License No.:  
 Name No.: 002269  
 Acronym: Pacific Islands International,  
 Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1318 Madison Avenue, Suite 3  
 City: New York  
 State: NY 10128  
 Country: United States of America  
 License No.:

Name No.: 007776  
 Acronym: Pacific Rim Express Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1525 Adrian Road  
 City: Burlingame  
 State: CA 94010  
 Country: United States of America  
 License No.:  
 Name No.: 007151  
 Acronym: Pakbox Intermodal Services  
 DBA Name: Paxbox B.V.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 29163  
 City: 3001 GD Rotterdam  
 State:  
 Country: The Netherlands  
 License No.:  
 Name No.: 006212  
 Acronym: Pan Universe Express (U.S.A.)  
 Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 11976 Aviation Blvd.  
 City: Inglewood  
 State: CA 90304  
 Country: United States of America  
 License No.:  
 Name No.: 006799  
 Acronym: Papua New Guinea Shipping  
 Corporation (PTY)  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Corner Cuthbertson St. and  
 Stanley Esp., P.O. Box 543, Port  
 Moresby  
 City: Papua  
 State:  
 Country: Guinea Bissau  
 License No.:  
 Name No.: 006813  
 Acronym: Perch Ocean Lines of Perfect  
 Sea Freight (HK)  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: One Marine Plaza, Suite 1000  
 City: San Francisco  
 State: CA 94111  
 Country: United States of America  
 License No.:  
 Name No.: 006209  
 Acronym: Philmacor Enterprises, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 500 North Adams Street  
 City: Glendale  
 State: CA 91206  
 Country: United States of America  
 License No.:  
 Name No.: 008041  
 Acronym: Phimco Limited

DBA Name: Magiliw Transport, Int'l  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 706 Dillon Street  
 City: Los Angeles  
 State: CA 90026  
 Country: United States of America  
 License No.:  
 Name No.: 07980  
 Acronym: Phoenix Shipping, Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 505 N. Belt East, #130  
 City: Houston  
 State: TX 77060  
 Country: United States of America  
 License No.:  
 Name No.: 001017  
 Acronym: Pinterex Container Co.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1730 West 7th Street  
 City: Los Angeles  
 State: CA 90017  
 Country: United States of America  
 License No.:  
 Name No.: 001020  
 Acronym: Plantation Operating Co., Inc.  
 DBA Name: P.O.C. Line  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 1225 North Loop West, Suite 1025  
 City: Houston  
 State: TX 77008  
 Country: United States of America  
 License No.:  
 Name No.: 007457  
 Acronym: PTC Packing & Storage, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8946 NW. 61st Street  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No.:  
 Name No.: 007064  
 Acronym: R.A.S. Professional Cargo  
 Service  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 808 South Vermont Avenue  
 City: Los Angeles  
 State: CA 90005  
 Country: United States of America  
 License No.:  
 Name No.: 007818  
 Acronym: RADJ Inc. International  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 245 Visitacion Avenue  
 City: Brisbane  
 State: CA 94005



Country: United States of America  
 License No.:  
 Name No.: 007644  
 Acronym: Rank International Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1758 N.W. 82nd Avenue  
 City: Miami  
 State: FL 33126  
 Country: United States of America  
 License No.:  
 Name No.: 006218  
 Acronym: Regency Navigation Company  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 24 North Market Street, Suite 103  
 City: Charleston  
 State: SC 29401  
 Country: United States of America  
 License No.:  
 Name No.: 006681  
 Acronym: Revco Cargo Co., Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3219 Beverly Blvd.  
 City: Los Angeles  
 State: CA 90057  
 Country: United States of America  
 License No.:  
 Name No.: 007869  
 Acronym: Rhein Express International  
 Ltd.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 4849 N. Scott Street, Suite 9  
 City: Schiller Park  
 State: IL 60176  
 Country: United States of America  
 License No.:  
 Name No.: 006730  
 Acronym: Risamar International  
 Transport Corp.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 17 Battery Place  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No.:  
 Name No.: 000875  
 Acronym: RL Freight Services Company  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8639 Meadow Rd.  
 City: Downey  
 State: CA 90242  
 Country: United States of America  
 License No.:  
 Name No.: 007598  
 Acronym: RMC Lines Ltd.  
 DBA Name: NA.

Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 436 S. W. 8th St.  
 City: Miami  
 State: FL 33130  
 Country: United States of America  
 License No.:  
 Name No.: 000851  
 Acronym: Roco Carriers PTE Ltd.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 16 Raffles Quay #24-03 Hong  
 Leong Building  
 City: Singapore 0104  
 State:  
 Country: Singapore  
 License No.:  
 Name No.: 007300  
 Acronym: Roco Carriers, Ltd.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 32 Broadway—Suite 1600  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No.:  
 Name No.: 000877  
 Acronym: Romanian Shipping Company  
 Constanta (NAVROM)  
 DBA Name: Romanian Shipping  
 Company  
 Person Type: Controlled Carrier  
 Street: Constantza Port  
 City: Constantza Code 8700  
 State:  
 Country: Rumania  
 License No.:  
 Name No.: 006157  
 Acronym: Sae Joo Maritime  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 602 Sam Won Building 112-5 So  
 Kong-Dong, Chung-Go  
 City: Seoul  
 State:  
 Country: Republic of Korea  
 License No.:  
 Name No.: 007298  
 Acronym: Safeway Cargo Services  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 137 S. Linden Avenue  
 City: South San Francisco  
 State: CA 94080  
 Country: United States of America  
 License No.:  
 Name No.: 007816  
 Acronym: Samex Air Forwarders Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 8621 Bellanca Avenue  
 City: Los Angeles

State: CA 90045  
 Country: United States of America  
 License No.:  
 Name No.: 006033  
 Acronym: Samjung Shipping Co., Ltd.  
 DBA Name: Seacon Lines  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: Rm 1605 Dae Yungak Center  
 City: CPO Box 6586, Seoul  
 State:  
 Country: Republic of Korea  
 License No.: 3111  
 Name No.: 006115  
 Acronym: Satex Shipping, S.A.  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: C/O Marine Transportation  
 Services 1040 Port Boulevard  
 City: Miami  
 State: FL 33132  
 Country: United States of America  
 License No.:  
 Name No.: 007607  
 Acronym: Scanfreight Continental N.V.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 150 Broadway  
 City: New York  
 State: NY 10038  
 Country: United States of America  
 License No.:  
 Name No.: 001083  
 Acronym: Scindia Steam Navigation Co.,  
 Ltd., The  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Narrottam Morarjee Marg.  
 Ballard Estate  
 City: Bombay 400 038  
 State:  
 Country: India  
 License No.:  
 Name No.: 005682  
 Acronym: Seacon Express Chicago, Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1107 N. Ellis Street  
 City: Bensenville  
 State: IL 60106  
 Country: United States of America  
 License No.:  
 Name No.: 007001  
 Acronym: Seacon Express Los Angeles,  
 Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1111 Watson Center Road One  
 City: Carson  
 State: CA 90745  
 Country: United States of America  
 License No.:



Name No.: 006040  
 Acronym: Seacon Express N.Y. Corp.  
 DBA Name: Seacon Line  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 17 Battery Place, Suite 2143  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No.:  
 Name No.: 002852  
 Acronym: Servac Shipping Lines, Ltd.  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Stuyvesant Plaza-Executive Park  
 Tower  
 City: Albany  
 State: NY 12203  
 Country: United States of America  
 License No.:  
 Name No.: 006049  
 Acronym: Skaarup Shipping Corporation  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 66 Field Point Road  
 City: Greenwich  
 State: CT 06830  
 Country: United States of America  
 License No.:  
 Name No.: 007014  
 Acronym: Skandiafallenius Spedition  
 AB  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: Packhusplatsen 2, P.O. Box 2562  
 City: S-403 17 Gothenburg  
 State:  
 Country: Sweden  
 License No.:  
 Name No.: 006367  
 Acronym: Skyway International Corp.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 2nd Floor, No. 21, Lane 9, Lin  
 Shen North Road  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 006952  
 Acronym: Southern Ocean Transport,  
 Inc.  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 505 North Belt, Suite 140  
 City: Houston  
 State: TX 77060  
 Country: United States of America  
 License No.:  
 Name No.: 007071  
 Acronym: Star Container Lines, Inc.  
 DBA Name: NA.

Person Type: Non-Vessel Operating  
 Common Carrier  
 Street: 5710 W. Manchester Blvd, Suite  
 103  
 City: Los Angeles  
 State: CA 90045  
 Country: United States of America  
 License No.:  
 Name No.: 007809  
 Acronym: Sterling Maritime Ltd.  
 DBA Name: Coast Container Line  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 31 Broad Street  
 City: St. Helier Jersey, Channel Islands  
 G.B.  
 State:  
 Country: Great Britain  
 License No.:  
 Name No.: 006238  
 Acronym: Sudan Shipping Line Ltd.  
 DBA Name: NA.  
 Person Type: Controlled Carrier  
 Street: P.O. Box 426  
 City: Port Sudan  
 State:  
 Country: Sudan  
 License No.:  
 Name No.: 001198  
 Acronym: Summit Worldwide Corp.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 104 S. Central Avenue, Suite 12  
 City: Valley Stream  
 State: NY 11580  
 Country: United States of America  
 License No.:  
 Name No.: 008045  
 Acronym: Supreme Ocean Line  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 206 Ahafa Cargo Centre, 12 Kai  
 Shun Road  
 City: Kowloon Bay  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007306  
 Acronym: Swing Forwarding, Ltd.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 28th Floor Bank of America  
 Tower, 12 Harcourt Road  
 City: Central  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 006578  
 Acronym: Synor International, Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 175-01 Rockaway Boulevard—  
 Suite 206

City: Jamaica  
 State: NY 11696  
 Country: United States of America  
 License No.:  
 Name No.: 006107  
 Acronym: T.F.S. International Shipping  
 Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 149-23 182nd Street  
 City: Jamaica  
 State: NY 11430  
 Country: United States of America  
 License No.:  
 Name No.: 006715  
 Acronym: T.M. Shipping Corp.  
 DBA Name: Adriatic America Line  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 29 Broadway  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No.:  
 Name No.: 006924  
 Acronym: Taurus Container Service Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1200 Main Street, P.O. Box 9349  
 City: Bridgeport  
 State: CT 06601  
 Country: United States of America  
 License No.:  
 Name No.: 006588  
 Acronym: Thielen, George  
 DBA Name: GT International  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 1402 Oneida Street  
 City: Denver  
 State: CO 80220  
 Country: United States of America  
 License No.:  
 Name No.: 005423  
 Acronym: Tian Fung Goh and Cargo  
 Transport Service Ltd  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 268 Ma Chang Dao Tiamjin  
 Cadre's Club Tian Fung Building  
 City: Tianjin  
 State:  
 Country: People's Republic of China  
 License No.:  
 Name No.: 005804  
 Acronym: Tiger Intermodal  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 211 East Ocean Blvd.—Suite 400  
 City: Long Beach  
 State: CA 90802  
 Country: United States of America  
 License No.:



Name No.: 000531  
 Acronym: Tisco Ocean Forwarding Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 5 FL-A, Li Fung Tower No. 1 Nanking E. Rd., Sec. 4  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 006896  
 Acronym: Tokyo Sanyu Shipping Co., Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: Sanjyu Bldg., 4th Floor, 3-2-4 Hatchobori, Chuo-Ku  
 City: Tokyo  
 State:  
 Country: Japan  
 License No.:  
 Name No.: 005806  
 Acronym: Traffic Systems Corp.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 302 Comercio Street, 2nd Flr.  
 City: Old San Juan  
 State: PR 00901  
 Country: United States of America  
 License No.:  
 Name No.: 006805  
 Acronym: Tram Inter Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 155-06 South Conduit Avenue  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No.:  
 Name No.: 007511  
 Acronym: Trans Am—Asia Corporation  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier, Ocean Freight Forwarder (Independent)  
 Street: 3030 W. 6th Street, Suite 211  
 City: Los Angeles  
 State: CA 90020  
 Country: United States of America  
 License No.: 3086  
 Name No.: 007111  
 Acronym: Trans Luso Intercontinental Lines, Inc.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 355 Mulberry Street  
 City: Newark  
 State: NJ 07102  
 Country: United States of America  
 License No.:  
 Name No.: 000560

Acronym: Trans-U.S.A. Express International, Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 4448 W. Montrose Avenue  
 City: Chicago  
 State: IL 60641  
 Country: United States of America  
 License No.:  
 Name No.: 006290  
 Acronym: Transcar of North America  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 274 County Road  
 City: Tenaflly  
 State: NJ 07870  
 Country: United States of America  
 License No.:  
 Name No.: 002145  
 Acronym: Transconex, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: P.O. Box 524037  
 City: Miami  
 State: FL 33152  
 Country: United States of America  
 License No.:  
 Name No.: 006861  
 Acronym: Transmar Transportation, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier  
 Street: 311 Oak Street  
 City: Oakland  
 State: CA 94607  
 Country: United States of America  
 License No.:  
 Name No.: 007285  
 Acronym: Transporte Caribbean S.A. (Transcaribe)  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: Apartado Postal 2329  
 City: Panama 9 A  
 State:  
 Country: Republic of Panama  
 License No.:  
 Name No.: 006291  
 Acronym: Transportes Maritimos Internacional  
 DBA Name: Port Line  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: Rua Actor Antonio Silva 7, 11  
 City: 1600 Lisbon  
 State:  
 Country: Portugal  
 License No.:  
 Name No.: 005729  
 Acronym: Trax Cargo Lines Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating Common Carrier

Street: 53 Park Place—Suite 208  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No.:  
 Name No.: 006236  
 Acronym: Tricon shipping Ltd.  
 DBA Name: NA.  
 Person type: Ocean Common Carrier (Vessel Operating)  
 Street: 6223 Richmond Avenue, Suite 200  
 City: Houston  
 State: TX 77057  
 Country: United States of America  
 License No.:  
 Name No.: 007488  
 Acronym: Troy Catucci Lines Ltd.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating Common Carrier  
 Street: 780 Clinton Street  
 City: Brooklyn  
 State: NY 11231  
 Country: United States of America  
 License No.:  
 Name No.: 005817  
 Acronym: U-Trust International Cargo Service  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating Common Carrier  
 Street: 2059 Mission Street  
 City: San Francisco  
 State: CA 94110  
 Country: United States of America  
 License No.:  
 Name No.: 007314  
 Acronym: U. S. Great Lakes Shipping Lines, Inc.  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier (Vessel Operating)  
 Street: 3200 North Shore Drive, Suite 2602  
 City: Chicago  
 State: IL 60657  
 Country: United States of America  
 License No.:  
 Name No.: 007566  
 Acronym: United Africa Lines (Liberia), Inc.  
 DBA Name: NA.  
 Person Type: Ocean Common Carrier (Vessel Operating)  
 Street: P.O. Box 1597  
 City: Monrovia  
 State:  
 Country: Liberia  
 License No.:  
 Name No.: 007122  
 Acronym: United Freight Systems, Inc.  
 DBA Name: NA.  
 Person Type: Non-Vessel-Operating Common Carrier  
 Street: 7210 N.W. 77th Street  
 City: Miami  
 State: FL 33166



Country: United States of America  
 License No.:  
 Name No.: 006787  
 Acronym: United Overseas Supply Co.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 16403 Ishida Avenue  
 City: Gardena  
 State: CA 90248  
 Country: United States of America  
 License No.:  
 Name No.: 007391  
 Acronym: Unitrans Illinois  
 Consolidated, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 10400 W. Higgins  
 City: Rosemont  
 State: IL 60018  
 Country: United States of America  
 License No.:  
 Name No.: 007619  
 Acronym: Unitrans International  
 Forwarders, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: P.O. Box 744  
 City: Manila 2800  
 State:  
 Country: Phillipines  
 License No.:  
 Name No.: 007768  
 Acronym: Unitrans Shipping Co., Ltd.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 10400 W. Higgins  
 City: Rosemont  
 State: IL 60018  
 Country: United States of America  
 License No.:  
 Name No.: 007887  
 Acronym: Universal Cargo Management,  
 Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 3711 Long Beach Boulevard, Suite  
 518  
 City: Long Beach  
 State: CA 90807  
 Country: United States of America  
 License No.:  
 Name No.: 007522  
 Acronym: Universal Lines, Inc.  
 Dba Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 389 Hwy. 17 By-Pass  
 City: Mt. Pleasant  
 State: SC 29464  
 Country: United States of America  
 License No.:  
 Name No.: 000077

Acronym: USB Corporation  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 19 Marten Place  
 City: North Arlington  
 State: NJ 07032  
 Country: United States of America  
 License No.:  
 Name No.: 007577  
 Acronym: Valley Express, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 925 Market Street  
 City: Paterson  
 State: NJ 07513  
 Country: United States of America  
 License No.:  
 Name No.: 000003  
 Acronym: Vanguard Freight Services, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 80 Washington Street  
 City: Hoboken  
 State: NJ 07030  
 Country: United States of America  
 License No.:  
 Name No.: 002168  
 Acronym: Venezuelan Container Line,  
 C.A.  
 Dba Name: NA.  
 Person Type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: Avenida Universidad Esquina El  
 Chorro, Torro El Chorro  
 City: Piso 15, Caracas, Venezuela  
 State:  
 Country: Venezuela  
 License No.:  
 Name No.: 007292  
 Acronym: Victoria Marine Shipping, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 111 S.W. 3rd Street Suite 100  
 City: Miami  
 State: FL 33130  
 Country: United States of America  
 License No.:  
 Name No.: 000013  
 Acronym: Viking Freight System, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier  
 Street: 411 East Plumeria Drive  
 City: San Jose  
 State: CA 95134  
 Country: United States of America  
 License No.:  
 Name No.: 007793  
 Acronym: West Harbor International  
 Services, Inc.  
 Dba Name: NA.  
 Person Type: Non-Vessel-Operating  
 Common Carrier

Street: 931 Harbison Avenue  
 City: National City  
 State: CA 92959  
 Country: United States of America  
 License No.:  
 Name No.: 007628  
 Acronym: Westamerica Line, Inc.  
 Dba Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: 2907 Bat to Bay Blvd., Suite 300  
 City: Tampa  
 State: FL 33629  
 Country: United States of America  
 License No.:  
 Name No.: 007093  
 Acronym: Westamerica Steamship  
 Lines, Inc.  
 Dba Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: P.O. Box 20051  
 City: Tampa  
 State: FL 33622  
 Country: United States of America  
 License No.:  
 Name No.: 007275  
 Acronym: Westwind Africa Line  
 Dba Name: NA.  
 Person type: Ocean Common Carrier  
 (Vessel Operating)  
 Street: P.O. Box 318  
 City: Apapa  
 State:  
 Country: Nigeria  
 License No.:  
 Name No.: 001791  
 Acronym: White Navigation Co. S.A.  
 Dba Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: 5/Fl., 63 Hong Chow South Road,  
 Sec. 1  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 006590  
 Acronym: Wide Choice Container Line  
 Dba Name: NA.  
 Person type: Non-Vessel-Operating  
 Common Carrier  
 Street: Rm. 905 Far East Consortium  
 Bldg. 204-206 Nathan Road  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 007595  
 Acronym: World Airmarine, Inc.  
 Dba Name: NA.  
 Person type: Ocean Freight Forwarder  
 (Independent) Non-Vessel-Operating  
 Common Carrier  
 Street: 290 East Grand Ave  
 City: So. San Francisco  
 State: CA 94080



Country: United States of America  
 License No.: 1914  
 Name No.: 005754  
 Acronym: World Express Lines, Inc.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Ocean Common Carrier  
 Street: 1755 West Walnut Pkwy  
 City: Compton  
 State: CA 90220  
 Country: United States of America  
 License No.:  
 Name No.: 005538  
 Acronym: Worldbond Shipping and  
 Transportation Co Ltd  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Ocean Common Carrier  
 Street: B1 & B2 Basement—Kowloon Air  
 Freight Agents Terminal, 70-78 Sung  
 Wong Toi Road  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No.:  
 Name No.: 006261  
 Acronym: World Asia Lines  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Ocean Common Carrier  
 Street: 8915 La Cienega Blvd.  
 City: Inglewood  
 State: CA 90301  
 Country: United States of America  
 License No.:  
 Name No.: 005752  
 Acronym: Y.M. Lau Express Inter'l  
 (Taiwan) Ltd.  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Ocean Common Carrier  
 Street: Jin Ling Bldg. 460 Kuang Fu South  
 Road 11th Floor  
 City: Taipei 105  
 State:  
 Country: Taiwan  
 License No.:  
 Name No.: 005757  
 Acronym: Zade, C.A.  
 DBA Name: NA.  
 Person type: Common Carrier (Vessel  
 Operating)  
 Street: EDF. General Paz, Piso 4, Ofc. 406  
 City: Caracas  
 State:  
 Country: Venezuela  
 License No.:  
 Name No.: 007472  
 Acronym: Zephyr Container Line  
 DBA Name: NA.  
 Person type: Non-Vessel-Operating  
 Ocean Common Carrier  
 Street: 333 N. Marine Avenue  
 City: Wilmington  
 State: CA 90744  
 Country: United States of America  
 License No.:

Name No.: 000143  
 [FR Doc. 8928158 Filed 11-30-89; 8:45 am]  
 BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Brookside Bancshares, Inc.; Application to Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 15, 1989.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Brookside Bancshares, Inc.*, Tulsa, Oklahoma; to engage *de novo* through its newly formed subsidiary, Brookside Mortgage Corporation, Tulsa, Oklahoma, in mortgage banking

activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 27, 1989.

Jennifer J. Johnson,  
*Associate Secretary of the Board.*  
 [FR Doc. 89-28148 Filed 11-30-89; 8:45 am]  
 BILLING CODE 6210-01-M

### First Charlotte Financial Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 22, 1989.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Charlotte Financial Corporation*, Charlotte, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of First Charlotte Bank and Trust Company, Charlotte, North Carolina.

2. *First Patriot Bankshares Corporation*, Fairfax, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Patriot National Bank of Reston, Reston, Virginia, a *de novo* bank.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 100 Marietta Street, N.W., Atlanta, Georgia 30303:



1. *The Citizens and Southern Corporation*, Atlanta, Georgia, and *Citizens and Southern Florida Corporation*, Fort Lauderdale, Florida; to acquire 100 percent of the voting shares of *M.B. Group, Inc.*, Marathon, Florida, and thereby indirectly acquire *The Marine Bank of Monroe County*, Marathon, Florida.

Board of Governors of the Federal Reserve System, November 27, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-28149 Filed 11-30-89; 8:45 am]

BILLING CODE 6210-01-M

#### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 13, 1989.

**A. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *James B. Ingeman*, Dennis M. Sobolik, and Robert K. Severson; to acquire 35 percent of the voting shares of *Crookston Financial Services, Inc.*, Crookston, Minnesota.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Joe N. Basore*, Bella Vista, Arkansas, and *Burton O. George*, Berryville, Arkansas; to each acquire 48.8 percent of the voting shares of *Cedaredge Financial Services, Inc.*, Cedaredge, Colorado, and thereby indirectly acquire *First National Bank of Cedaredge*, Cedaredge, Colorado.

**C. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Karen Smith Riecke*, Covington, Louisiana, to acquire 48.31 percent;

*Bryant L. Caruso*, Covington, Louisiana, to acquire 1.07 percent; and *RHD, Inc.*, Mandeville, Louisiana, to acquire 6.45 percent of the voting shares of *American Bancshares-Red River, Inc.*, Coushatta, Louisiana, and thereby indirectly acquire *American Bank and Trust Co.*, Coushatta, Louisiana.

2. *John F. Cattier*, United Kingdom, to acquire 4.98 percent; *Pedro Cerisola, Jr.*, Mexico, to acquire 8.86 percent; *Gary Jacobs*, Laredo, Texas, to acquire 4.67 percent; and *Abe S. Wilson*, Laredo, Texas, to acquire 1.02 percent of the voting shares of *Laredo National Bancshares, Inc.*, Laredo, Texas, and thereby indirectly acquire *The Laredo National Bank*, Laredo, Texas.

3. *Earl G. Kendrick, Jr.*, Alexandria, Virginia; to acquire 49 percent of the voting shares of *Woodforest Bancshares, Inc.*, Houston, Texas, and thereby indirectly acquire *Woodforest National Bank*, Houston, Texas.

Board of Governors of the Federal Reserve System, November 27, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-28150 Filed 11-30-89; 8:45 am]

BILLING CODE 6210-01-M

#### Mid Am, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The Organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition,

conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 21, 1989.

**A. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mid Am, Inc.*, Bowling Green, Ohio; to acquire *The Citizens Building and Loan Company*, Lima, Ohio, and thereby engage in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 27, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-28151 Filed 11-30-89; 8:45 am]

BILLING CODE 6210-01-M

#### FEDERAL TRADE COMMISSION

##### Granting of Request for Early Termination of Waiting Period Under Premerger Notification Rules

Section 7a of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:



## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 11/13/89 AND 11/24/89

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
Saugatuck Capital Company Limited Partnership II, Schroder Venture Trust, Gerard Daniel & Co., Inc.	90-0144	11/13/89
Ralph M. Ingersoll, II, Mark Goodson, The Jackson Newspapers, Inc.	90-0168	11/13/89
Warburg, Pincus Investors, L.P., Mark Goodson, The Jackson Newspapers, Inc.	90-0169	11/13/89
Warburg, Pincus Investors, L.P., NH Acquisition Corp. (joint venture corporation), NH Acquisition Corp. (joint venture corporation)	90-0170	11/13/89
Ralph M. Ingersoll II, NH Acquisition Corp. (joint venture corporation), NH Acquisition Corp. (joint venture corporation)	90-0171	11/13/89
American Financial Corporation, Reflector-Herald, Inc., Gulf Coast Radio, Inc.	90-0218	11/13/89
Media Ventures, L.P., The Mutual Life Insurance Company of New York, Mid-Tennessee Cable Limited Partnership	90-0225	11/13/89
Security Pacific Corporation, Primerica Corporation, Commercial Credit Consumer Services, Inc.	90-0234	11/13/89
Giant Industries, Inc., James E. Acridge, Giant Industries Arizona, Inc.	90-0249	11/13/89
James E. Acridge, Giant Industries, Inc., Giant Industries Inc.	90-0250	11/13/89
Giant Industries, Inc., Hixon Development Company, Hixon Development Company	90-0251	11/13/89
The Dai-ichi Kangyo Bank, Limited, Manufacturers Hanover Corporation, Manufacturers Hanover Corporation	90-0255	11/13/89
Trustee in Bankruptcy for Sharon Steel Corporation, Worthington Industries, Inc., U-Brand Corporation	90-0258	11/13/89
Sage Broadcasting Corporation, Mitsubishi Corporation, Memory-Tech Inc.	90-0269	11/13/89
HMK Enterprises, Inc., Robert Zeltzer, Offices Unlimited, Inc.	90-0272	11/13/89
Skandia Insurance Company, Ltd., Ryder System, Inc., Capital Assurance Company, Inc.	90-0273	11/13/89
Keith Rupert Murdoch, Farragut Communications, Inc., MWT, Ltd.	90-0278	11/13/89
Exeter Capital, L.P., The Dun & Bradstreet Corporation, Carol Wright Sales, Inc.	90-0290	11/13/89
P.E. Sadler, First Financial Management Corporation, First Financial Management Corporation	90-0291	11/13/89
First Financial Management Corporation, MicroBilt Corporation, MicroBilt Corporation	90-0293	11/13/89
Pioneer Electronic Corporation, MCA Inc., Discovision Associates	90-0133	11/14/89
Pioneer Electronic Corporation, International Business Machines Corporation, Discovision Associates	90-0142	11/14/89
General Motors Corporation, Joint Venture Corporation, Joint Venture Corporation	90-0146	11/14/89
Chrysler Corporation, Joint Venture Corporation, Joint Venture Corporation	90-0148	11/14/89
Citicorp, Douglas Wolf, IPG Financial Services, Inc.	90-0197	11/14/89
Sulzer Brothers Limited, Sulzer Brothers Limited, Bird Escher Wyss-Joint Venture Partnership	90-0214	11/14/89
Trammell Crow Equity Partners II, Ltd., British Coal Staff Superannuation Scheme Trustees Ltd., Pan-American Properties, Inc.	90-0294	11/14/89
Trammell Crow Equity Partners II, Ltd., Committee of Managemt. of Mineworker's Pension Scheme, Pan-American Properties, Inc.	90-0295	11/14/89
Kemper Corporation, Franklin Savings Corporation, Underwood, Neuhaus & Co., Incorporated	90-0297	11/14/89
Star Gas Corporation, The Edge Companies, Inc., Tri-County Gas & Appliance Company, Inc.	90-0127	11/15/89
Corporate Capital Limited, Marshall S. Cogan, Color Tile, Inc.	90-0195	11/15/89
Adia S.A., Inspectorate International A.G., Inspectorate International A.G.	90-0285	11/15/89
W. Don Cornwell, Landmark Communications, Inc., KNTV, Inc.	90-0305	11/15/89
Nucorp, Inc., United Capital Holding Company, United Capital Holding Company	90-0312	11/15/89
PacificCorp, J.D. Sandefer, III, Sandefer Oil Company, Sandefer Properties, Inc.	90-0237	11/16/89
PacificCorp, Jeff D. Sandefer, General Sandefer Offshore Partnership	90-0238	11/16/89
Toshiba Corporation, Diasonics, Inc., Diasonics (NMR) Inc. and Diasonics Credit Corporation	89-2623	11/17/89
Saratoga Partners II, L.P., B.F. McKinney, Oxide and Chemical Corporation	90-0145	11/17/89
H. Douglas Barclay, Syracuse Supply Company, Syracuse Supply Company	90-0257	11/17/89
Delta Air Lines, Inc., Temasek Holdings (Pte) Ltd., Singapore Airlines Limited	90-0266	11/17/89
Temasek Holdings (PTE) LTD., Delta Air Lines, Inc., Delta Air Lines, Inc.	90-0267	11/17/89
Falcon First Communications, L.P., First Carolina Cable TV, L.P., First Carolina Holdings, Inc.	90-0324	11/17/89
Tandem Computers Incorporated, Valico Park, Ltd., a California Limited Partnership, Valico Park, Ltd., a California Limited Partnership	90-0335	11/17/89
Pioneer Financial Services, Inc., The Union Central Life Insurance Company, Manhattan National Life Insurance Corporation	90-0360	11/17/89
Texaco Inc., Cardon, an Arizona general partnership, Cardon Corporation	89-2719	11/20/89
Industrioforvaltnings AB Ninnvik, John B. Williams, and John R. Williams, Tri-State Tractor Co.	90-0191	11/20/89
Mesa Limited Partnership, Edisto Resources Corporation, Edisto Resources Corporation	90-0241	11/20/89
Presidio Oil Company, Olympia & York Development Limited, Home Petroleum Corporation	90-0282	11/20/89
Attwoods PLC, Mindis Industrial Corporation (U.S.) Inc., Mindis Industrial Corporation (U.S.) Inc.	90-0283	11/20/89
GATX Corporation, William I. Koch, Petroport Terminal Corporation	90-0286	11/20/89
Dixons Group plc, Atari Corporation, The Federated Group, Inc.	90-0341	11/20/89
Holman Enterprises, Bruce M. Hinlein, Lend Lease Cars Inc., a Delaware Corporation	90-0368	11/20/89
Holman Enterprises, General Motors Corporation, General Motors Acceptance Corporation	90-0417	11/20/89
Holman Enterprises, Chrysler Corporation, Chrysler Credit Corporation	90-0418	11/20/89
Mitsui Mining & Smelting Co., Ltd., Magnox Incorporated, Magnox Incorporated	90-0124	11/21/89
HEALTHSOUTH Rehabilitation Corporation, South Highlands Hospital Association, South Highlands Hospital Association	90-0173	11/21/89
Acadia Partners, L.P., Mrs. Harriet Hartmann, L&CP Holding Corporation	90-0265	11/21/89
The United Company, Westmoreland Coal Company, Central Supply Company of Virginia, Incorporated	90-0268	11/21/89
Torchmark Corporation, Homestake Mining Company, Felmont Oil & Gas Company	90-0270	11/21/89
Ford Motor Company, Jaguar plc, Jaguar plc	90-0289	11/21/89
Ogden Corporation, ERC International, Inc., ERC International, Inc.	90-0292	11/21/89
Dominion Bankshares Corporation, Signet Banking Corporation, Signet Bank/Virginia	90-0331	11/21/89
USGI Holdings, Inc., Weyerhaeuser Company, Weyerhaeuser Mortgage Company	90-0364	11/21/89
Conventry Corporation, Group Health Plan, Inc. Voting Trust, Group Health Plan, Inc.	90-0180	11/22/89
McGraw-Hill, Inc., Tab Books, Inc., Tab Books, Inc.	90-0185	11/22/89
McClatchy Newspapers, Inc., The News and Observer Publishing Company, The News and Observer Publishing Company	90-0271	11/22/89
Enron Corp., James G. LaBarba, Jr., Westdelta Production Corp.	90-0332	11/22/89
Howard P. Marguleas, Superior Farming Company, Superior Farming Company	90-0362	11/22/89
First Chicago Corporation, Parker-Hannifin Corporation, Parker-Hannifin Corporation	90-0217	11/24/89
Norman M. Lear, Philip J. Lombardo, Citadel Communications Co., Ltd./Canadian Broadcasting	90-0352	11/24/89



**FOR FURTHER INFORMATION CONTACT:**  
Sandra M. Peay, Federal Trade  
Commission, Contact Representative,  
Premerger Notification Office, Bureau of  
Competition, Room 303, Washington, DC  
20580 (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 89-28173 Filed 11-30-89; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency For Toxic Substances and Disease Registry

[ATSDR-17]

#### Availability of Final Versions of Toxicological Profiles

**AGENCY:** Agency for Toxic Substances  
and Disease Registry (ATSDR), Public  
Health Service (PHS), Department of  
Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** This notice announces the  
availability of five of the final versions

of the first 25 toxicological profiles  
prepared by ATSDR.

The Comprehensive Environmental  
Response, Compensation, and Liability  
Act (CERCLA or Superfund), as  
amended by the Superfund Amendments  
and Reauthorization Act (SARA) (Pub.  
L. 99-499) requires that ATSDR compile  
a priority list of at least 100 hazardous  
substances most commonly found at  
facilities on the CERCLA National  
Priorities List (NPL), and which are  
determined to pose the most significant  
potential threat to human health. The  
list identifying the first 100 hazardous  
substances was published in the Federal  
Register on April 17, 1987 (52 FR 12866),  
as required by CERCLA section  
104(i)(2)(A). Section 104(i)(3) of CERCLA  
further requires that the Administrator  
of ATSDR prepare toxicological profiles  
for the hazardous substances included  
on the priority list.

Notice of the availability of the first 25  
draft toxicological profiles for public  
review and comment was published in  
the Federal Register on October 15, 1987  
(52 FR 38340), with notice that a 90-day  
public comment period would be  
provided for each profile, starting from  
the actual release date. Following the

close of each comment period, chemical  
specific comments were addressed, and  
where appropriate, changes were  
incorporated into each profile. The  
public comments, the classification of  
and response to those comments, and  
other data submitted in response to the  
Federal Register notice bear the docket  
control number ATSDR-2. This material  
is available for public inspection at the  
Division of Toxicology, Agency for  
Toxic Substances and Disease Registry,  
Building 37, Executive Park Drive,  
Atlanta, Georgia 30329, between 8:00  
a.m. and 4:30 p.m. Monday through  
Friday except legal holidays.

#### Availability

This notice announces the availability  
of five of ATSDR's final toxicological  
profiles for the first 25 substances as  
mandated by CERCLA. Additional final  
profiles will be announced in the  
Federal Register as they become  
available. The following toxicological  
profiles are now available through the  
U.S. Department of Commerce, National  
Technical Information Service (NTIS),  
Springfield, VA 22161:

Toxicological profile	NTIS order No.	CAS No.
Aldrin/Dieldrin .....	PB/89/214514/AS	309-00-2/60-57-1
Benzene .....	PB/89/209464/AS	71-43-2
Chromium .....	PB/89/236665/AS	7440-47-3
Selected PCBs .....	PB/89/225403/AS	
Aroclor:		
1260 .....		11096-82-5
1254 .....		11097-69-1
1248 .....		12672-29-6
1242 .....		53469-21-9
1232 .....		11141-16-5
1231 .....		11104-28-2
1016 .....		12674-11-2
2,3,7,8-Tetrachlorodibenzo-p-dioxin .....	PB/89/214522/AS	1746-01-6

Dated: November 27, 1989.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic  
Substances and Disease Registry.

[FR Doc. 89-28197 Filed 11-30-89; 8:45 am]

BILLING CODE 4160-70-M

### Family Support Administration

#### Forms Submitted to the Office of Management and Budget for Clearance

The Family Support Administration  
(FSA) will publish on Fridays  
information collection packages  
submitted to the Office of Management  
and Budget (OMB) for clearance, in  
compliance with the Paperwork  
Reduction Act (44 U.S.C. Chapter 35).

Following is the package submitted to  
OMB since the last publication on  
October 20, 1989.

(Call the Reports Clearance Officer on 202-  
252-5604 for a copy of package.)

*Worksheet for the Integrated AFDC,  
Food Stamp and Medicaid Quality  
Control Reviews—FSA-4340-0970-  
0072*—The integrated worksheet serves  
to document the findings of state quality  
control reviewers who review the  
correctness of a sample of eligibility  
decisions made by the states for the  
AFDC, Food Stamp and Medicaid  
programs. The findings are used to  
identify areas where corrective action is  
needed. The following represents the  
AFDC burden estimate only.

Respondents: State or local  
governments; Number of Respondents:  
63,000; Frequency of Response: 1;  
Average Burden per Response: 11.0236  
hours; Estimated Annual Burden: 694,487  
hours.

OMB Desk Clearance Officer: Justin  
Kopka

Consideration will be given to  
comments and suggestions received  
within 60 days of publication. Written  
comments and recommendations for the  
proposed information collection should  
be sent directly to the appropriate OMB  
Desk Officer designated above at the  
following address: OMB Reports  
Management Branch, New Executive  
Office Building, Room 3201, 725 17th  
Street NW., Washington, DC 20503.



Dated: November 20, 1989.

Naomi B. Marr,

Associate Administrator, Office of  
Management and Information Systems.

[FR Doc. 89-27694 Filed 11-30-89; 8:45 am]

BILLING CODE 4150-04-M

## Food and Drug Administration

[Docket No. 89N-0503]

### Drug Export; Once-a-day Benlyn Cold Controlled Release Capsule (Pseudoephedrine Hydrochloride 240 mg., USP and Chlorpheniramine Maleate 24 mg., USP)

**AGENCY:** Food and Drug Administration  
HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that KV Pharmaceutical Company has filed an application requesting approval for the export of the human drug Once-A-Day Benlyn Cold Controlled Release Capsule (Pseudoephedrine Hydrochloride 240 mg., USP and Chlorpheniramine Maleate 24 mg., USP) bulk to Canada.

**ADDRESS:** Relevant information on this application may be directed to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contract person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1988 should also be directed to the contract person.

**FOR FURTHER INFORMATION CONTACT:** Mary F. Cooper, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public

participation in its review of the application. To meet this requirement, the agency is providing notice that KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, MO 63144, has filed an application requesting approval for the export of the drug Once-A-Day Benlyn Cold Controlled Release Capsule (Pseudoephedrine Hydrochloride 240 mg., USP and Chlorpheniramine Maleate 24 mg., USP) in bulk, to Canada. This product is indicated for use for the temporary relief of nasal congestion due to the common cold, hay fever, or other upper respiratory allergies. Temporarily dries runny nose and relieves sneezing, itching of the nose or throat and itchy, watery eyes due to hay fever or other upper respiratory allergies. Temporarily reduces sneezing associated with the common cold. The application was received and filed in the Center for Drug Evaluation and Research on November 8, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do by December 11, 1989, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: November 22, 1989.

Daniel L. Michels,

Director, Office of Compliance, Center for  
Drug Evaluation and Research.

[FR Doc. 89-28168 Filed 11-30-89; 8:45 am]

BILLING CODE 4160-01-M

## Health Resources and Services Administration

### Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory

Board scheduled to meet during the month of December 1989:

**NAME:** National Advisory Committee on Rural Health, Health Care Financing Work Group, HHS.

**DATE AND TIME:** December 11, 1989, 4:00 p.m.

**PLACE:** Office of Rural Health Policy, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

**PURPOSE:** The Work Group is concerned with financing issues related to rural health care delivery.

**AGENDA:** The meeting will be conducted through a telephone conference call. The Work Group will discuss items for inclusion in the agenda for the January meeting.

Anyone requiring information regarding the subject Committee should contact Mr. Jeffrey Human, Executive Secretary, National Advisory Committee on Rural Health, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Persons interested in attending any portion of the discussion should contact Ms. Arlene Granderson, Director of Operations, Office of Rural Health Policy, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Agenda items are subject to change as priorities dictate.

Dated: November 27, 1989.

Jackie E. Baum,

Advisory Committee Management Officer,  
HRSA.

[FR Doc. 89-28168 Filed 11-30-89; 8:45 am]

BILLING CODE 4160-15-M

### Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of December 1989:

**NAME:** National Advisory Committee on Rural Health, Health Services Delivery Work Group, HHS.

**DATE AND TIME:** December 4, 1989, 1:00 p.m.

**PLACE:** Room 14-22 Parklawn Building, Office of Rural Health Policy, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

**PURPOSE:** The Work Group defines issues and makes recommendations on the priorities and strategies which should be considered regarding the delivery of health care services in rural areas.

**AGENDA:** This meeting will be conducted through a telephone conference call. The Work Group will discuss items for inclusion in the agenda for the January meeting.

**NAME:** National Advisory Committee on Rural Health, Health Professions Work Group, HHS.



**DATE AND TIME:** December 11, 1989, 1:00 p.m.

**PLACE:** Room 14-22 Parklawn Building, Office of Rural Health Policy, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

**PURPOSES:** The Work Group is concerned with the supply and distribution of health personnel in rural areas.

**AGENDA:** This meeting will be conducted through a telephone conference call. The Work Group will discuss items for inclusion in the agenda for the January meeting.

Anyone requiring information regarding the subject Committees should contact Mr. Jeffrey Human, Executive Secretary, National Advisory Committee on Rural Health, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Persons interested in attending any portion of the above meetings should contact Ms. Arlene Granderson, Program Analyst, Office of Rural Health Policy, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Agenda items are subject to change as priorities dictate.

Dated: November 27, 1989.

**Jackie E. Baum,**  
Advisory Committee Management Officer,  
HRSA.

[FR Doc. 89-28171 Filed 11-30-89; 8:45 am]

**BILLING CODE 4160-15-M**

#### Advisory Council; Meeting; Correction

In Federal Register Document 89-27181 appearing at page 48031 in the issue for Monday, November 20, 1989. The January 22-24, 1990, meeting of the "National Advisory Committee on Rural Health, Health Care Financing Work Group" should read the "National Advisory Committee on Rural Health". Where "Work Group" is used, should read "Committee". All other information is correct as appears.

Dated: November 27, 1989.

**Jackie E. Baum,**  
Advisory Committee Management Officer,  
HRSA.

[FR Doc. 89-28170 Filed 11-30-89; 8:45 am]

**BILLING CODE 4160-15-M**

#### Social Security Administration

##### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of

Management and Budget (OMB) for clearance in compliance with Public Law 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the Federal Register on November 3, 1989. (Call Reports Clearance Officer on (301) 965-4149 for copies of package)

1. Statement for Determining Continuing Eligibility for Supplemental Security Income (SSI) Payments—0960-0145—The information collected on the form SSA-8202 is used by the Social Security Administration to determine an SSI recipient's continuing eligibility to receive those payments, as well as the amount of the payments to which he or she is entitled. The respondents are individuals whose eligibility for SSI payments is being redetermined.

**Number of Respondents:** 1,600,000.

**Frequency of Response:** 1.

**Average Burden Per Response:** 8 minutes.

**Estimated Annual Burden:** 213,333 hours.

**OMB Desk Officer:** Justin Kopca.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: November 20, 1989.

**Ron Compston,**  
Social Security Administration, Reports  
Clearance Officer.

[FR Doc. 89-27811 Filed 11-30-89; 8:45 am]

**BILLING CODE 4190-11-M**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-89-1917; FR-2606-N-48]

##### Unutilized and Underutilized Federal Buildings and Real Property Determined To Be Suitable for Use for Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

**EFFECTIVE DATE:** December 1, 1989.

**ADDRESS:** For further information, contact James Forsberg, Department of Housing and Urban Development, Room 7228, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 755-6300; TDD number for the hearing- and speech-impaired (202) 426-0015. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized and underutilized Federal buildings and real property determined by HUD to be suitable for use for facilities to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable this week.

Dated: November 22, 1989.

**Paul Roitman Bardack,**  
Deputy Assistant Secretary for Program  
Policy Development and Evaluation.  
[FR Doc. 89-27999 Filed 11-30-89; 8:45 am]  
**BILLING CODE 4210-29-M**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

[AZ-050-09-4332-09; FES 89-30]

##### Availability of Final Environmental Impact Statement; Yuma District Wilderness Studies

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of availability of the Final Yuma District Wilderness Environmental Impact Statement.

**SUMMARY:** The Final Yuma District Wilderness Environmental Impact Statement assesses the environmental consequences of managing 22 wilderness study areas as wilderness or nonwilderness. The alternatives assessed include: (1) An "All Wilderness Alternative" for each wilderness study area; (2) A "No Wilderness Alternative" for each wilderness study area; (3) A "Partial Wilderness Alternative" for ten wilderness study areas; and (4) An "Enhanced Wilderness Alternative" for two wilderness study areas.

The names of the wilderness study areas, their total acreage and the acreage recommended suitable and unsuitable under the Proposed Action are as follows:



Dead Mountains Northern Addition—1,815 acres; 1,815 acres nonsuitable  
 Dead Mountains Southern Addition—630 acres; 630 acres nonsuitable  
 Chemehuevi Mountains Addition—195 acres; 195 acres nonsuitable  
 Chemehuevi/Needles Addition—960 acres; 960 acres suitable  
 Needles Eastern Addition—465 acres; 465 acres nonsuitable  
 Crossman Peak—38,630 acres; 30,165 acres suitable, 8,465 acres nonsuitable  
 Mohave Wash—103,365 acres; 103,365 acres nonsuitable  
 Whipple Mountains Addition—1,380 acres; 1,260 acres suitable, 120 acres nonsuitable  
 Gibraltar Mountain—25,260 acres; 18,805 acres suitable, 6,455 acres nonsuitable  
 Planet Peak—17,645 acres; 16,430 acres suitable, 1,215 acres nonsuitable  
 Cactus Plain—70,360 acres; 62,325 acres suitable, 8,035 acres nonsuitable  
 Swansea—41,690 acres; 15,755 acres suitable, 25,935 acres nonsuitable  
 East Cactus Plain—13,735 acres; 13,735 acres suitable  
 Big Maria Mountains Northern Addition—415 acres; 415 acres nonsuitable  
 South Trigo Mountains—4,500 acres; 4,500 acres nonsuitable  
 Trigo Mountains—36,870 acres; 29,095 acres suitable, 7,775 acres nonsuitable  
 Kofa Unit 3 Southern Addition—3,400 acres; 3,400 acres nonsuitable  
 Kofa Unit 4 Northern Addition—1,900 acres; 1,380 acres suitable, 520 acres nonsuitable  
 Kofa Unit 4 Southern Addition—11,220 acres; 11,220 acres nonsuitable  
 Little Picacho Peak Addition—2,915 acres; 2,915 acres nonsuitable  
 Muggins Mountains—14,455 acres; 8,855 acres suitable, 5,600 acres nonsuitable

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and the President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no action on these proposals can be taken by the Secretary of the Interior during the 30 days following the filing of this EIS. This complies with the Council of Environment Quality Regulations, 40 CFR 1506.10b(2).

**SUPPLEMENTARY INFORMATION:** Copies of the Environmental Impact Statement may be obtained from the District Manager, Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

Copies are also available for inspection at the following locations:  
 Bureau of Land Management, Office of Public Affairs, Interior Building, 18th & C Street NW., Washington DC 20240;  
 Bureau of Land Management, Arizona State Office, 3707 North 7th Street, Phoenix, Arizona 85014;  
 Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365;

Bureau of Land Management, Havasu Resource Area Office, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403.

**FOR FURTHER INFORMATION CONTACT:** Herman Kast, District Manager, Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365, 602-726-6300.

Dated: November 22, 1989.

**Jonathan P. Deason,**  
*Director, Office of Environmental Project Review.*

[FR Doc. 89-27813 Filed 11-30-89; 8:45 am]

**BILLING CODE 4310-32-M**

**[OR-050-4121-13; GPO-066]**

### **Prineville District, Oregon; Realty Action; Correction**

November 17, 1989.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Correction to Federal Register Notice OR-050-4121-13: GPO-033 dated October 24, 1989 published November 1, 1989 (54 FR 46133).

*Please change:* "The area described above aggregates approximately 2.101() acres in Sherman and Wheeler Counties, Oregon." to "The area described above aggregates approximately 2.101() acres in Sherman and Gilliam Counties, Oregon."

Please add the following legal descriptions to "A portion of the land described below will be used to equalize values and will also be acquired by the Federal Government."

T. 10 S., R. 20 E.,  
 Sec. 16: All;  
 Sec. 17: N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

Dated November 17, 1989.

**James L. Hancock,**  
*District Manager, Prineville District Office.*

[FR Doc. 89-28195 Filed 11-30-89; 8:45 am]

**BILLING CODE 4310-33**

### **INTERSTATE COMMERCE COMMISSION**

#### **Agricultural Cooperative Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers**

Dated: November 28, 1989.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, non-exempt, interstate

transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperatives (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Agway, Inc.

(2) 333 Butternut Drive, DeWitt, NY 13214

(3) 333 Butternut Drive, DeWitt, NY 13214

(4) Ronald W. Pettee, Box 4353, Syracuse, NY 13221.

**Noreta R. McGee,**  
*Secretary.*

[FR Doc. 89-28181 Filed 11-30-89; 8:45 am]

**BILLING CODE 7035-01-M**

**[Docket No. AB 55; Sub 324]**

#### **CSX Transportation, Inc.; Abandonment in Thomas and Colquitt Counties, GA; Notice of Findings<sup>1</sup>**

The Commission has issued a certificate authorizing CSX Transportation, Inc., to abandon its 15.9 mile line of railroad between Coolidge (milepost ANK-706.7) and Kingwood (milepost ANK-722.6) in Thomas and Colquitt Counties, GA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on

<sup>1</sup> The certificate in this proceeding was served November 10, 1989, but the Notice of Findings was inadvertently omitted from publication in the Federal Register. This notice corrects that omission.



the lower left-hand corner of the envelope containing the offer "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

Noreta R. McGee,  
Secretary.

[FR Doc. 89-28179 Filed 11-30-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31562]

**Union Pacific Railroad Co. & Missouri Pacific Railroad Co.; Trackage Rights Over Lines of Chicago & North Western Transportation Co. Between Fremont, NE, Council Bluffs, IA, and Chicago, IL**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of pre-filing notification and request for comments.

**SUMMARY:** Pursuant to 49 CFR 1180.4(b), Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR),<sup>1</sup> and Chicago and North Western Transportation Company (CNW) (collectively referred to as applicants) have notified the Commission of their intent to file an application seeking Commission approval under 49 U.S.C. 11343-45 of the acquisition of trackage rights by UP over the lines of CNW between Fremont, NE/ Council Bluffs, IA, and Chicago, IL. The Commission finds this to be a significant transaction as defined in 49 CFR Part 1180. Applicants have proposed a procedural schedule, and the Commission invites interested parties to comment on it.

**DATES:** Written comments must be filed with the Interstate Commerce Commission no later than December 18, 1989. Applicants' reply is due 10 days thereafter.

**ADDRESSES:** An original and 15 copies of all documents must refer to Finance Docket No. 31562 and be sent to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 31562, Interstate Commerce Commission, Washington, DC 20423.

In addition, one copy of all documents must be sent to each of applicants' representatives:

James P. Daley, Ronald J. Cuchna, Stuart F. Gassner, Law Department, Chicago and North Western Transportation

Company, One North Western Center, Chicago, IL 60606

James V. Dolan, Paul A. Conley, Jr., Law Department, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Arvid E. Roach II, J. Michael Hemmer, Gregg H. Levy, David L. Meyer, William Rolleston-Daines, Richard G. Slattery, Covington & Burling, P.O. Box 7568, 1201 Pennsylvania Avenue NW., Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:**

Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721.]

**SUPPLEMENTARY INFORMATION:**

On October 27, 1989, applicants filed a notice of their intent to file an application seeking Commission approval under 49 U.S.C. 11343-45 of the acquisition of trackage rights by UP over the lines of CNW between Fremont, NE/ Council Bluffs, IA, and Chicago, IL.<sup>2</sup> UP contracted for the trackage rights under agreements entered into in connection with the acquisition of control over CNW by Blackstone Capital Partners L.P. See *Blackstone Cap. Partners—Cont. Exempt.—CNW Corp. Et Al.*, 5 I.C.C.2d 1015 (1989) (*Blackstone-CNW*).

The Commission finds that this is a significant transaction, as defined at 49 CFR 1180.2(b). It involves two Class I railroads and a major market extension. Because of the size and nature of the rail market involved, the proposed transaction is of regional and national transportation significance as defined in 49 U.S.C. 11345.

Applicants will use the year 1988 for purposes of their impact analyses to be filed in the application. They state that they intend to file their application on or

<sup>2</sup> Applicants state that the application will also seek, as associated relief, Commission determinations that: (1) UP's corporate parent, Union Pacific Corporation, and its affiliates will not gain control of CNW as a result of the effectiveness of the trackage rights and certain additional contingent rights for which they contracted, subject to appropriate Commission action, in connection with the Blackstone-CNW transaction; and (2) the additional contingent rights do not require prior Commission approval or exemption before they may become effective.

UP also anticipates submitting related applications, pursuant to 49 U.S.C. 11103, for terminal trackage rights, including interchange rights, unless it reaches prior voluntary agreements with the pertinent carriers. UP expects to seek trackage rights over: (a) 20.8 miles of Indiana Harbor Belt Railroad Company track between Proviso, IL (milepost 35.98) and Blue Island, IL (milepost 15.2); (b) 1 mile of St. Charles Air Line track between a point near the Chicago River to a point near Calumet Avenue; (c) 5.4 miles of the CR&I Branch of Consolidated Rail Corporation between a point near 14th Street (milepost 0.0) and a point near 40th Street and Normal Avenue (milepost 5.4); and (d) 2.7 miles of Indiana Harbor Belt Railroad Company track between Blue Island (milepost 15.2) and Dolton Junction, IL (milepost 10.5).

about December 27, 1989. The application must conform to the regulations set forth at 49 CFR 1180, *et seq.*, and must contain all information required there for significant transactions, except as modified by advance waiver.

Applicants also filed a motion for protective order, a petition for waiver or clarification of railroad consolidation procedures, and a petition for adoption of schedule. The Commission is seeking comments now on applicants' proposed procedural schedule, as discussed below. The Commission addresses applicants' other requests in a separate decision.

Applicants' proposed procedural schedule is as follows:

- December 27, 1989—Primary application filed.
- January 26, 1990—Notice of acceptance of primary application published in the *Federal Register*.
- February 26, 1990—Comments on primary application due except from United States Departments of Justice and Transportation (DOJ and DOT).
- March 13, 1990—DOJ and DOT comments on primary application due.
- March 28, 1990—Second lists of protective conditions due; responsive applications due; opposition to primary application due.
- April 27, 1990—Notice of acceptance of responsive applications published in the *Federal Register*.
- June 4, 1990—Government parties' evidence due; opposition to responsive applications due; rebuttal in support of primary application due.
- July 2, 1990—Responses to government parties' evidence due; rebuttal in support of responsive applications due.
- July 16, 1990—Hearing on all evidence (witnesses to be cross-examined only to the extent specific need is shown in order to resolve disputed issues of material fact); deadline for filing deposition excerpts.
- July 25, 1990—Close of evidentiary record.
- August 13, 1990—Opening briefs due.
- August 27, 1990—Reply briefs due.
- October 23, 1990—Decision due.

Applicants also propose the following discovery procedure: Immediately upon each evidentiary filing, the filing party shall place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a centrally located depository open to all parties, and shall make its witnesses available for discovery depositions. Any additional document discovery shall be informal and expedited. Access to documents subject to protective order shall be appropriately restricted. Parties seeking discovery depositions shall obtain approval from the Administrative Law Judge; the Judge shall be liberal in permitting depositions whenever needed

<sup>1</sup> UPRR and MPRR are referred to collectively as UP.



to discover into pertinent issues. Parties are required to file relevant excerpts of deposition transcripts by July 16, 1990, in lieu of cross-examination at the hearing, unless cross-examination is needed to resolve disputed issues of material fact.

We invite interested parties to submit written comment on the proposed schedule. Comments must be filed by December 18, 1989. Applicants may reply within 10 days thereafter.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

Decided: November 22, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley and Phillips.

Noreta R. McGee,  
Secretary.

[FR Doc. 89-28182 Filed 11-30-89; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub. 77x)]

**Woodstock & Blocton Railway Co. and the Alabama Great Southern Railroad Co.—Abandonment and Discontinuance of Service Exemption—in Bibb County, AL**

Woodstock & Blocton Railroad Company (WB) and The Alabama Great Southern Railroad Company (AGS) <sup>1</sup> have filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances* for WB to abandon and AGS to discontinue operations over WB's 5.1-mile line of railroad between milepost 3.0-WB, at Vulco, and milepost 8.1-WB, at Blocton, Bibb County, AL.

Applicants have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been

notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment and discontinuance shall be protected under Oregon Short Line R. Co.—Abandonment Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 31, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues, <sup>2</sup> formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2), <sup>3</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by December 11, 1989. <sup>4</sup> Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by December 21, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicants have filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment and discontinuance.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by December 6, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: November 27, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[FR Doc. 89-28180 11-30-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31540]

**R.J. Corman Railroad Co./Memphis Line; Acquisition and Operation Exemption**

R.J. Corman Railroad Co./Memphis Line (RJCM) has filed a notice of exemption to acquire and operate a 9.66-mile line of railroad owned by CSX Transportation, Inc. (CSXT), between milepost LF-128, near South Union, KY, and milepost LF-118.34, near Memphis Junction, KY. <sup>1</sup> The transaction was expected to be consummated on or after November 13, 1989.

Comments must be filed with the Commission and served on Kevin M. Sheys, Weiner, McCaffrey, Brodsky & Kaplan, P.C., Suite 800, 1350 New York Avenue, NW., Washington, DC 20005-4797.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: November 29, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[FR Doc. 89-28311 Filed 11-30-89; 8:45 am]

BILLING CODE 7035-01-M

<sup>1</sup> CSXT was authorized to abandon service over this line in Docket No. AB-55 (Sub-No. 233X), CSX Transportation, Inc.—Abandonment Exemption—Warren, Simpson, and Logan Counties, KY (not printed), served September 29, 1989. CSXT notified the Commission that it exercised the abandonment authority as of October 10, 1989. By letter dated October 16, 1989, the Kentucky Heritage Council informed RJCM that it previously reviewed the historic resources on the line in connection with CSXT's abandonment and that, provided the line now remains in service, the instant transaction should not effect these resources.

<sup>1</sup> A subsidiary of Southern Railway Company, AGS jointly owns WB with CSX Transportation, Inc.



## DEPARTMENT OF JUSTICE

## Importers of Controlled Substances; Registration

By Notice Dated September 22, 1987, and published in the Federal Register on September 23, 1987, (52 FR 36312), Diagnostic Products Corporation, 5700 West 96th Street, Los Angeles, California 90045 made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug	Schedule
Methaqualone (2565).....	I
Tetrahydrocannabinols (7370).....	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).....	II
Secobarbital (2315).....	II
Phencyclidine (7471).....	II
Codeine (9050).....	II
Benzoylcegonine (9180).....	II
Methadone (9250).....	II
Morphine (9300).....	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substances listed above.

Dated: November 20, 1989.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 89-28106 Filed 11-30-89; 8:45 am]

BILLING CODE 4410-09-M

## Drug Enforcement Administration

## Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on August 8, 1989, Du Pont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxymorphone (9652).....	II
Hydrocodone (9193).....	II
Oxycodone (9143).....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than January 2, 1990.

Dated: November 17, 1989.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 89-28105 Filed 11-30-89; 8:45 am]

BILLING CODE 4410-09-M

## Lodging of a Consent Decree Pursuant to CERCLA; Royal N. Hardage et al.

In accordance with section 122 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622 and Department policy, 28 CFR 50.7, notice is hereby given that on November 21, 1989, a proposed consent decree in *United States v. Royal N. Hardage et al.* was lodged with the United States District Court for the Western District of Oklahoma in Civil Action No. 86-1401-P. The decree partially resolves claims of the United States brought under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, in connection with the Hardage waste disposal site located in Criner, Oklahoma.

Under the proposed Consent Decree, the settling parties agree to remediate the disposal area of the site by excavating drummed wastes and installing a soil vapor extraction system to remove volatile organic compounds from the disposal areas, as well as to reimburse the United States for a portion of its past costs expended in connection with this site. The United States will be seeking the remainder of the remedy recommended by the Environmental Protection Agency, as well as the remainder of its past costs, from non-settling parties.

The proposed Decree may be examined at the office of the United States Attorney for the Western District of Oklahoma, 4434 U.S. Courthouse, Oklahoma City, Oklahoma 73102; at the Region 6, Office of Regional Counsel, Environmental Protection Agency, 1445

Ross Avenue, 12th Floor, Dallas, TX 75202; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting copies, please enclose a check in the amount of \$7.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Royal N. Hardage et al.*, DOJ Reference No. 90-7-1-30A.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-28268 Filed 11-30-89; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

## Office of the Secretary

## Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.



How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

**Comments and Questions:** Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/

PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

#### New

Employment and Training Administration

Survey of Employees and U.S. Workers affected by the "50 Percent Rule" under the H-2A Program

Form No.	Affected public	Respondents	Frequency	Average time per response
Employer Survey.....	Employers.....	119	One-time.....	20 minutes
Worker Survey.....	Workers.....	322	One-time.....	15 minutes

#### 119 Total hours

The Secretary of Labor needs information from those employers and U.S. Workers affected by the "50 percent rule" under the H-2A Program. Two surveys will be administered: one for approximately 119 employers in Idaho and Virginia and one for approximately 322 U.S. workers who worked for those employers between 1987 and 1989.

#### Extension

Employment Standards Administration  
Annual Report of Earnings  
1215-0136

Annually

Individuals or households

600 respondents; 100 total hours; 10 minutes per response; 1 form

Black Lung beneficiaries annual report of earnings is used to adjust benefits disbursed for the preceding year and to estimate adjustments, if any, for the following year due to excess earnings.

Report of Ventilatory Study;

Roentgenographic Interpretation;  
Medical History and Examination for Coal Mine Workers' Pneumoconiosis;  
Report of Arterial Blood Gas Study  
1215-0090; CM-907; CM-933 and 933b;  
CM-988; CM-1159

Businesses or other for-profit; Non-profit institutions; Small businesses or organizations

On occasion

Form No.	Respondents	Average time per response
CM-907.....	6,500	20 min.
CM-933.....	13,000	5 min.
CM-933b.....	700	5 min.
CM-988.....	6,500	30 min.
CM-1159.....	6,500	15 min.

#### 8,183 total hours

20 CFR part 718 specifies that certain information relative to the medical condition of a claimant who is alleging the presence of pneumoconiosis be obtained as a routine function of the claim adjudication process. The medical specifications in the regulations have been formatted in a variety of forms to promote efficiency and accuracy in gathering the required data. These forms were designed to meet the need of establishing medical evidence.

Comparability of Current Work to Coal Mine Employment; Coal Mine Employment Affidavit; Affidavit of Deceased Miner's Condition 1215-0056; CM-913; CM-918; CM-1093

On occasion

Individuals or households

Form No.	Respondents	Average time per response
CM-913.....	900	30 min.
CM-918.....	100	10 min.
CM-1093.....	100	20 min.

#### 500 total hours

Forms are used to help determine eligibility for benefits. CM-913 is completed by beneficiaries and compares non-coal mine work to coal mine work. CM-918 is completed by persons with knowledge of miner's coal mine employment to supplement evidence. CM-1093 is completed by persons or relatives with knowledge of deceased miner's medical condition only if medical evidence is insufficient.

#### Departmental Management

National Agricultural Workers Survey (NAWS)

Individuals or households; Farms; Businesses or other for profit

4,610 respondents; 57 minutes per response; 4,479 hours; 1 form

The Immigration and Nationality Act (INA) as amended by Immigration Reform and Control Act (IRCA) requires the Department of Labor and the Department of Agriculture to estimate the departure rate from Seasonal Agricultural Services (SAS) agriculture and to analyze information about wages, working conditions and recruitment practices. This survey will gather data necessary to make these estimates and carry out these analyses.

Office of the Assistant Secretary for Administration and Management

Supplemental Experience Statement  
1225-0010; DL-1-2034

On Occasion

Individual or households; Federal agencies or employees

10,350 responses; 15,525 hours; average minutes per response 90;

1 form

This form is a supplement to the basic Federal employment application form (SF-171) to elicit specific job-related information from applicants to assure that their qualifications are accurately completely, and efficiently evaluated.

Employment and Training Administration

Internal Fraud Activities  
1205-0187; ETA 9000

Annually

State or local governments

53 respondents; 424 total hours; 8 hrs. per respondent; 1 form

Unemployment Insurance internal fraud data increased automation of UI functions and temporary staff have heightened SESA vulnerability to internal fraud, making internal security



among the high priorities in the payment control area. ETA 9000 will help SESAs assess adequacy of internal controls and provide UIS with important data to assess national UI internal security operations.

#### Reinstatement

#### Office of Labor-Management Standards

#### Labor Organizations and Auxiliary Reports

1214-0001; OLMS 1214

On occasion, semi-annually, annually

Small Businesses or other organizations;  
Non-profit institutions; Businesses or other for-profit institutions;  
Businesses or other for-profit

Item No.	Report responses	Reporting timefactor	Reporting burden hrs.	Recordkeeping burden hrs.	Total burden
LM-1.....	601	:50	500	12	512
LM-1A.....	9,777	:20	3,260	195	3,455
LM-2.....	12,631	2:00	25,260	253	25,513
LM-3.....	30,473	:45	22,855	609	23,464
LM-6.....	264	:15	67	5	72
LM-10.....	238	:30	120	5	125
LM-15.....	916	:50	760	18	778
LM-15A.....	71	:20	20	2	22
LM-16.....	274	:20	92	5	97
LM-20.....	168	:20	80	3	83
LM-21.....	54	:30	30	2	32
LM-30.....	50	:30	25	2	27
S-1.....	170	:30	85	3	88
Simp. ann. rpt. format.....	4,149	:05	345	83	428
Total.....	49,836		53,499	1,197	54,696

The LMRDA requires unions to file annual financial reports, trusteeship reports, copies of their constitution and by laws. Under certain circumstances reports are required of union officers and employees, employers, labor consultants and surety companies. Filers are required to retain supporting records 5 years. Unions are required to retain election records 1 year.

#### Bureau of Labor Statistics

#### ES-202 State Operations Review

1220-0070;BLS-3030

Biennial

State or local governments

53 responses; 424 total hours; 8 hours per response; 1 form.

The ES-202 State Operations Review is the principal source of management information on quality and State conformance to BLS specified procedures in the collection and tabulation of the Quarterly Report on Employment, Wages and Contributions. The form is used by BLS regional office staff in their biennial interview with employment security officials to assess the status of the program.

Signed at Washington, DC this 28th day of November, 1989.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 89-28189 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-27-M

BILLING CODE 4510-30-M

#### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the

foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the *Federal Register*, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled



"General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution

Avenue, NW., Room S-3504, Washington, DC 20210.

#### New General Wage Determinations

##### Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume State and page number(s).

##### VOLUME I:

Georgia.....	GA89-32	p.272a, p.272b
Georgia.....	GA89-33	p.272c, p.272d
Georgia.....	GA89-34	p.272e, p.272f

##### VOLUME I:

Connecticut.....	CT89-1 (Jan. 6, 1989)	p. 61, pp. 63-68
Florida.....	FL89-1 (Jan. 6, 1989)	p. 99, p. 100
Florida.....	FL89-18 (Jan. 6, 1989)	p. 145, p. 146
Georgia.....	GA89-3 (Jan. 6, 1989)	p. 211, pp. 211-214
Georgia.....	GA89-4 (Jan. 6, 1989)	p. 215, pp. 216-218
Georgia.....	GA89-32 (Jan. 6, 1989)	p. 272a, p. 272b
Georgia.....	GA89-33 (Jan. 6, 1989)	p. 272c, p. 272d
Georgia.....	GA89-34 (Jan. 6, 1989)	p. 272e, p. 272f
New York.....	NY89-2 (Jan. 6, 1989)	p. 683, pp. 684-685, pp. 688, 693
New York.....	NY89-7 (Jan. 6, 1989)	P. 737, pp. 738-739
New York.....	NY89-13 (Jan. 6, 1989)	p. 799, pp. 800-801
Pennsylvania.....	PA89-5 (Jan. 6, 1989)	p. 879, pp. 880-892
Pennsylvania.....	PA89-6 (Jan. 6, 1989)	p. 893, p. 896
Pennsylvania.....	PA89-23 (Jan. 6, 1989)	p. 1005, p. 1006
Pennsylvania.....	PA89-24 (Jan. 6, 1989)	P. 1011, p. 1012
Pennsylvania.....	PA89-25 (Jan. 6, 1989)	p. 1016a, p. 1016b
Pennsylvania.....	PA89-26 (Jan. 6, 1989)	p. 1016c, pp. 1016d-1016h
Virginia.....	VA89-14 (Jan. 6, 1989)	p. 1159, p. 1160

##### VOLUME II:

Arkansas.....	AR89-8 (Jan. 6, 1989)	p. 20a, p. 20b
Ohio.....	OH89-1 (Jan. 6, 1989)	p. 773, pp. 773-778, pp. 780-783
Ohio.....	OH89-29 (Jan. 6, 1989)	p. 869, p. 877

##### VOLUME III:

Arizona.....	AZ89-3 (Jan. 6, 1989)	p. 29, p. 30
North Dakota.....	ND89-2 (Jan. 6, 1989)	p. 229, pp. 230
Washington.....	WA89-1 (Jan. 6, 1989)	p. 363, p. 371

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50

Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest,

#### VOLUME I:—Continued

Pennsylvania.....	PA89-26	p.1016c, p.1016h
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#### Modifications to General Wage

##### Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the *Federal Register* are in parentheses following the decisions being modified.

since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.



Signed at Washington, DC, this 24th day of November, 1989.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 89-27948 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-27-M

## Employment and Training Administration

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade

Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than December 11, 1989.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 11, 1989.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 20th day of November 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner: (Union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Andrew T. Johnson Co., Inc. (Workers).....	Boston, MA.....	11/20/89	11/9/89	23,615	Graphics, Blue Prints
Bruce Trucking, Inc. (Company).....	Davis, OK.....	11/20/89	11/6/89	23,616	Haul Rock for Oil Companies
C.F. Industries, Inc. ....	Terre Haute, IN.....	11/20/89	10/6/89	23,617	Anhydrous Ammonia
Chrysler Corp. (Workers).....	Sterling Heights, MI.....	11/20/89	10/31/89	23,618	Passenger Cars
Eaton Corp.—Fluid Power Div. (UAW).....	Marshall, MI.....	11/20/89	11/7/89	23,619	Power Steering Pumps
F. Schumacher & Co. (ACTWU).....	Milford Park, NJ.....	11/20/89	11/6/89	23,620	Assorted Silk Fabric
Foamex (Workers).....	Corry, PA.....	11/20/89	9/29/89	23,621	Foam for Seats
(The) Home-Stake Royalty Corp. (Workers).....	Tulsa, OK.....	11/20/89	11/6/89	23,622	Oil & Gas
ITT-SWF Auto Elec. No. Auenco (Workers).....	Fayette, MS.....	11/20/89	11/8/89	23,623	Wire Harness Assemblies
Jay Scott Operations Div./Colt Firearms, Inc. (ACTWU).....	Elmwood Park, NJ.....	11/20/89	11/6/89	23,624	Gun Grips
Lakeland Mfg., Inc. (ACTWU).....	Sheboygan, WI.....	11/20/89	11/6/89	23,625	Men's Jackets & Coats
Plastic Mold Tool & Die (Company).....	East Rutherford, NJ.....	11/20/89	10/24/89	23,626	Molds for Plastic Industry
Pleasant Dress Co. (ILGWU).....	Lowell, MA.....	11/20/89	10/31/89	23,627	Ladies' Activewear & Dresses
Quaker Oats Co. (UAW).....	Marion, OH.....	11/20/89	11/6/89	23,628	Pet Food
Reed & Barton Corp., Silversmiths, Div. (AFL-CIO).....	Taunton, MA.....	11/20/89	11/8/89	23,629	Tablewear
Shield Industries, Inc. (ILGWU).....	Lowell, MA.....	11/20/89	10/31/89	23,630	Men's Sports Shirts
Scaff Mfg. Co. (ILGWU).....	Lowell, MA.....	11/20/89	10/31/89	23,631	Ladies' Activewear & Dresses
TRW-Transportation-Electronic Div. (OCAW).....	Knoxville, TN.....	11/20/89	10/20/89	23,632	Relays
Teknica, Inc. (Workers).....	Houston, TX.....	11/20/89	11/3/89	23,633	Seismic Data
Wear-Ever (ABGWIU).....	Chillicothe, OH.....	11/20/89	11/3/89	23,634	Aluminum Cookwear
XY Resources, Inc. (Workers).....	Ardmore, OK.....	11/20/89	11/8/89	23,635	M.B. Relays Percision Sheet Metal

[FR Doc. 89-28190 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-30-M

## Mine Safety and Health Administration

[Docket No. M-89-23-M]

### Englehard Corp.; Petition for Modification of Application of Mandatory Safety Standard

Englehard Corporation, P.O. Box 410, McIntyre, Georgia 31054 has filed a petition to modify the application of 30 CFR 56.14211(d) (blocking equipment in a raised position) to its Klondyke Mine (I.D. No. 09-00126), its Dixie Mine (I.D. No. 09-00475), its Gibraltar Mine (I.D. No. 09-00474), its Edgar Plant (I.D. No. 09-00359), its Toddville Plant (I.D. No. 09-00472), its Daveyville Plant (I.D. No.

09-00471), its Gordon Plant (I.D. No. 09-00231) located in Wilkinson County, Georgia, its Washington County Mine (I.D. No. 09-00127), its Scott Mine (I.D. No. 09-00832), its Gardner Plant (I.D. No. 09-00473) located in Washington County, Georgia and its Griffin Mine (I.D. No. 09-00131) located in Twiggs County, Georgia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that under this section, a raised component of mobile equipment is considered to be blocked or mechanically secured if provided with a functional load-locking device or a device which prevents free and uncontrolled descent.

2. As an alternate method, petitioner requests a modification of the standard to allow personnel to be hoisted in approved buckets, suspended seats, or a boatswain's chair suspended from a cable in accordance with 29 CFR 1226.550(g) and 29 CFR 1910.28(j).

3. For these reasons, petitioner requests a modification of the standard.

### Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 2, 1990. Copies of the petition



are available for inspection at that address.

Dated: November 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-28191 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-169-C]

### **Soldier Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Soldier Creek Coal Company, P.O. Box 1, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.1101-8 (water sprinkler systems; arrangement of sprinklers) to its Soldier Creek Mine (I.D. No. 42-00077) located in Carbon County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the arrangement of water sprinkler systems.
2. As an alternate method, petitioner proposes to use a single line sprinkler system to provide a safer more reliable system for combating underground belt drive fires as outlined in the petition.
3. In support of this request, petitioner states that the annual functional test of each water sprinkler system would be conducted in accordance with 30 CFR 75.1101-11.
4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

### **Request for Comments**

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 2, 1990. Copies of the petition are available for inspection at that address.

Dated: November 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-28192 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-43-M

### **Wage and Hour Division**

#### **Certificates Authorizing Employment of Learners at Special Minimum Wages**

Notice is hereby give that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, number of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended).

Louis Gallet, Inc., Uniontown, PA: 5-12-89 to 5-11-90; 5 learners for normal turnover purposes. (Mens and ladies sweaters.)

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended).

Bland Sportswear, Inc., Bland, VA: 7-22-89 to 7-23-90; 10 learners for normal labor turnover purposes. (Fleece shirts and children's & adults knit shirts.)

The learner certificates have been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment and that experienced workers for the learner occupations are not available.

The certificates may be annulled or withdrawn as indicated therein in the manner provided in 29 CFR part 528. Any interested persons may file written requests for reconsideration or review within 15 days after publication in the Federal Register.

Signed at Washington, DC this 17th day of November 1989.

Nancy M. Flynn,

Acting Administrator.

[FR Doc. 89-28193 Filed 11-30-89; 8:45 am]

BILLING CODE 4510-27-M

### **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

#### **Records Schedules; Availability and Request for Comments**

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; requests for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

**DATES:** Requests for copies must be received in writing on or before January 16, 1990. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

**ADDRESSES:** Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or



a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

#### Schedules Pending

1. Department of the Air Force (N1-AFU-88-1 and N1-AFU-88-26). Routine and facilitative records relating to computer-communications systems.
2. Department of the Air Force (N1-AFU-90-1). Routine records relating to civilian personnel management and wage administration.
3. Department of the Air Force (N1-AFU-90-2). Over the counter medication requests.
4. Department of Agriculture, Commodity Credit Corporation (N1-161-89-1). Conference documents of the International Wheat Council and the International Wheat Agreement, 1930-1971. (Similar records held by the Department of State are scheduled for permanent retention.)
5. Department of the Interior, U.S. Geological Survey (N1-57-89-3). Photographic prints and selected negatives used by the Branch of Military Geology.
6. Department of the Interior, U.S. Geological Survey (N1-57-89-7). Analog seismic data maintained by the Branch of Seismology and Branch of Engineering Seismology and Geology, Menlo Park, California.
7. Nuclear Regulatory Commission (N1-431-89-4). Independent Spent Fuel Storage Installation Docket Files.
8. Tennessee Valley Authority, Governmental and Public Affairs (N1-142-89-6). Educational and promotional films determined during archival processing to lack sufficient archival value to warrant permanent retention by the National Archives.

9. Tennessee Valley Authority, Resource Development (N1-142-90-2). Reservoir operations support files.

Dated: November 27, 1989.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 89-28196 Filed 11-30-89; 8:45 am]

BILLING CODE 7515-01-M

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### Request for Comments Concerning Foreign Government Discrimination in Procurement

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of request for public comments.

**SUMMARY:** This notice requests written submissions from the public concerning foreign government discrimination in procurement against United States products and services, for use in compiling the annual report on foreign discrimination in government procurement required by section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by title VII of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2515).

Section 305 of the Trade Agreements Act requires the President to submit a report on the extent to which foreign countries discriminate against United States products or services in making government procurements. In the annual report, the President is required to identify any countries that:

(i) Are Signatories to the GATT Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(ii) Are Signatories to the Agreement and are in compliance with the agreement but that maintain a significant and persistent pattern of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business, and whose products and services are acquired in significant amounts by the U.S. Government; or

(iii) Are not Signatories to the Agreement and maintain a significant and persistent pattern of discrimination in government procurement of products and services from the United States Government, and whose products and services are acquired in significant amounts by the U.S. Government.

The functions vested in the President under section 305 of the Trade

Agreements Act were delegated to the United States Trade Representative (USTR) pursuant to section 4-101 of Executive Order 12661 (54 FR 779).

**DATE:** Submissions must be received on or before January 15, 1990.

**ADDRESS:** Comments must be submitted to the Executive Secretary, Trade Policy Staff Committee, and must include not less than twenty (20) copies. Submissions will be available for public inspection pursuant to 15 CFR 2003.5. Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such and accompanied by a nonconfidential summary thereof.

#### FOR FURTHER INFORMATION CONTACT:

Beverly Vaughan, Director for Government Procurement, Office of the United States Trade Representative (USTR), 600 17th Street, NW., Washington, DC 20506, (202) 395-3063, or Holly Hammonds, Associate General Counsel, USTR, (202) 395-7306.

**SUPPLEMENTARY INFORMATION:** Section 305 of the Trade Agreements Act requires the annual report to be submitted no later than April 30, 1990, and annually thereafter, to the appropriate Committees of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as other appropriate Senate Committees. The USTR is required to request consultations with any countries identified in the report to obtain their compliance with the Agreement or the elimination of their discriminatory procurement practices.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to section 305(d)(5) of the Trade Agreements Act, submissions are sought from any United States businesses in the United States and in countries that are signatories to the Agreement and in other foreign countries whose products or services are acquired in significant amounts by the United States Government. A separate submission is requested for each country identified.

Each submission should provide in order the following general information: (1) The party submitting the information; (2) the U.S. products or services that are affected by the noncompliance or discrimination; and (3) the foreign country that is the subject of the submission, and the entities of the government whose practices are being described.



Each submission should provide in order the following specific information on non-compliance with the Agreement or on discrimination: (1) The circumstances under which discrimination has occurred, including information regarding the date and nature of procurement(s) where discrimination was encountered; (2) policies or practices which are deemed to be discriminatory (where possible, include copies of discriminatory laws, policies, or regulations); (3) the extent to which noncompliance with the code or discrimination has impeded the ability of U.S. suppliers to participate in procurements on terms comparable to those available to suppliers of the country in question when seeking to sell goods or services to the United States Government. Wherever possible, submissions should address the extent to which countries identified: (i) Use sole-sourcing or otherwise noncompetitive procedures for procurements that could have been conducted using competitive procedures; (ii) conduct what normally would have been one procurement as two or more procurements, in order to decrease the anticipated contract value below the Agreement's value threshold or to make the procurement less attractive to United States businesses; (iii) announce procurement opportunities providing inadequate time for U.S. businesses to submit bids; and (iv) employ specifications in such a way as to limit the ability of U.S. suppliers to participate in procurements.

Finally, each submission should: (1) Identify requirements of the Agreement which are not being complied with by a country identified or describe how the country has maintained in government procurement a significant and persistent pattern or practice of discrimination; (2) identify the specific impact of the discriminatory policy or practice on United States business (including an estimate of the value of market opportunities lost and, if any, the cost of preparing bids which are rejected during the course of a procurement evaluation for discriminatory reasons); and (3) describe the extent to which the products or services of the country identified are acquired in significant amounts by the United States Government.

David Weiss,  
Chairman, Trade Policy Staff Committee.

[FR Doc. 89-28166 Filed 11-30-89; 8:45 am]

BILLING CODE 3190-01-M

### President's Advisory Committee on the Points of Light Initiative Foundation

#### Final Meeting

**ACTION:** Notice of the final Meeting of President's Advisory Committee on the Points of Light Initiative Foundation.

**SUMMARY:** This notice announces an upcoming meeting of the President's Advisory Committee on the Points of Light Initiative Foundation. The purpose of the meeting is to complete work on the Committee's assigned task, which is the provision of recommendations to the President with respect to the legal structure of the Points of Light Initiative Foundation and the legislation needed to establish the Foundation. Specifically, the Committee will review the draft report, that reflects the decisions reached at the previous meeting, held on October 30. Notice is required by the Federal Advisory Committee Act, 5 U.S.C. app. II, and its implementing regulation, 41 CFR part 101.6. The meeting is open to the press and public.

**DATE:** December 11, 1989, 9:30 a.m.

**ADDRESS:** Room 265, Hall of States, 444 North Capitol Street, NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Committee Staff at (202-523-3349) or write to: 730 Jackson Place, NW., Washington, DC 20006.

David B. Rivkin, Jr.,

General Counsel for the Advisory Committee on Points of Light Initiative Foundation.

[FR Doc. 89-28124 Filed 11-30-89; 8:45 am]

BILLING CODE 3195-01-M

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27472; File No. 4-208]

#### Joint Industry Plan; Order Approving Amendments to the Intermarket Trading System Plan Relating to Boston Stock Exchange Regional Computer Interface, Pre-Opening Reports, Previous Day Consolidated Closing Price, and Third Participating Market Center Trade Throughs

The participants in the Intermarket Trading System ("ITS")<sup>1</sup> on September

<sup>1</sup> The ITS plan governs the operation of the ITS, which is a communication system designed to facilitate trading among competing markets by providing each market with order routing capabilities based on current quotation information. Specifically, the ITS links participant markets and provides facilities and procedures for: (1) Display of composite quotation information at each of the participant markets so that brokers are able to determine readily the best bid and offer available

21, 1989, submitted copies of proposed amendments to the restated ITS Plan created pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act") to: (1) Recognize the use of the "Regional Computer Interface" by the BSE (Third Amendment); (2) allow for the pre-opening application to be based on the closing price on the NYSE or the Amex in certain circumstances (Eighth Amendment); (3) clarify that a specialist/market-maker who has sent a pre-opening response has a responsibility to seek a report of execution (Third Amendment); and (4) clarify the procedures for resolving third participating market center trade-throughs (Third Amendment).

Notice of the proposed amendments was given in Securities Exchange Act Release No. 34-27359 (October 13, 1989), 54 FR 43015. The Commission received no comments on the proposals. This order grants approval of the proposed amendments.

As noted above, the participants have proposed four amendments to the ITS Plan. First, the participants have proposed to recognize that the BSE will be utilizing the "Regional Computer Interface" ("RCI") as provided for in section 10(e) of the Plan, which is the automated linkage between the ITS and the Regional Switches that enable members located on the floor of the BSE and other regional exchanges to participate in ITS applications.

Second, the participants proposed to amend the ITS Plan to allow for the pre-opening application to be based on the closing prices on the NYSE or the Amex when, on a broad scale, consolidated closing prices are incorrectly displayed.\*

from any participant for a multiply traded security; (2) efficient routing of orders and administrative messages between market participants; and (3) participation, under certain conditions, by members of all participating markets in opening transactions in those markets.

The participants in the ITS are the American Stock Exchange, Inc. ("Amex"), Boston Stock Exchange, Inc. ("BSE"), Cincinnati Stock Exchange, Inc. ("CSE"), Midwest Stock Exchange, Inc. ("MSE"), National Association of Securities Dealers, Inc. ("NASD"), New York Stock Exchange, Inc. ("NYSE"), Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("Phlx").

\* A pre-opening application must be sent through ITS whenever a market maker anticipates that the opening transaction for the day will be at a price that represents a change from the stock's "previous day's consolidated closing price," which is the last price at which a transaction in the stock was reported by Securities Information Automation Corporation ("SIAC"), a securities information processor, on the last previous day on which transactions in the stock were reported by SIAC, of more than a predetermined amount. To offset a pre-opening imbalance in a stock, a market maker will notify other participant markets of the situation by sending a message called a "pre-opening

Continued



In these situations, it is proposed that the Chairman of the ITS Operating Committee, upon the request of the Amex or the NYSE, may designate that the Amex's or the NYSE's closing prices, as appropriate, be substituted for purposes of the pre-opening application.

Third, the participants proposed to add section (c)(vi) to make it clear that a specialist/market-maker who responds to a pre-opening notification has a responsibility to seek from the opening market-maker a report of participation in the opening.<sup>3</sup> If, on or following trade date, the specialist/market maker does request a report through the ITS system as to his participation before 4:00 p.m. Eastern Time, and he or she does not receive a response by 9:30 a.m. Eastern Time on the next trading day, he or she need not accept a later report. If the specialist/market maker fails to so request a report, he or she must accept a report until 4:00 p.m. eastern time on the third trading day following the trade date.

Fourth, the participants proposed to amend Exhibit B of the ITS Plan, which is a model trade-through rule setting forth the rights and obligations of members of the participant markets, to clarify the procedures for resolving third exemption.<sup>4</sup> The proposed model rule change provides that when a member who initiates a third participant market trade through has sent a commitment to trade promptly following the trade through to satisfy the bid or offer traded through, and has preceded the commitment with an administrative message stating that the commitment was in satisfaction of the trade through, then such member will not have a further obligation to satisfy the trade through.

The Commission finds that approval of these amendments is consistent with the Act; in particular, with section 11A(a)(1)(D), which provides for the linking of all markets for qualified securities through communication and data processing facilities that foster efficiency, enhance competition,

notification" through ITS, and, to allow other markets a chance to respond, cannot open the particular stock until three minutes have elapsed.

<sup>3</sup> Market makers from other participant markets send "pre-opening responses," containing obligations to trade, including the number of shares and price that they are willing to trade, in response to a pre-opening application.

<sup>4</sup> A trade through occurs when a market maker purchases or sells any security at a price that is higher or lower than the price at which that security, at the time of such purchase or sale, is offered in one or more other participant markets. The trade through rule requires anyone who trades through another market's quotation to either break the trade or satisfy the other market's quotation, subject to certain exceptions.

increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders. Further, the Commission finds that the amendments are consistent with Rule 11Aa3-2(c)(2) because they are necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the Act.

It is therefore ordered, pursuant to section 11A(a)(3)(B) of the Act that the amendments be, and hereby are, approved.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority. 17 CFR 200.30-3(a)(29).

Dated: November 24, 1989.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-28177 Filed 11-30-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27473; File No. SR-AMEX-89-19 et al.]

#### Self-Regulatory Organizations; Order Approving Rule Changes by the American Stock Exchange, Inc., et al.

In the matter of: Release No. 34-27473; File Nos. SR-Amex-89-19, SR-BSE-89-02, SR-BSE-89-06, SR-CSE-89-03, SR-CSE-89-02, SR-MSE-89-04, SR-NASD-89-33, SR-NASD-89-41, SR-NYSE-89-26, SR-PSE-89-01, SR-PSE-89-07, SR-Phlx-89-04.

The American Stock Exchange, Inc. ("Amex"), Boston Stock Exchange, Inc. ("BSE"), Cincinnati Stock Exchange, Inc. ("CSE"), Midwest Stock Exchange, Inc. ("MSE"), National Association of Securities Dealers, Inc. ("NASD"), New York Stock Exchange, Inc. ("NYSE"), Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("Phlx"), who are participants in the Intermarket Trading System ("ITS") Plan<sup>1</sup>, submitted proposed rule

<sup>1</sup> The ITS plan governs the operation of the ITS, which is a communication system designed to facilitate trading among competing markets by providing each market with order routing capabilities based on current quotation information. Specifically the ITS links participant markets and provides facilities and procedures for: (1) display of composite quotation information at each of the participant markets so that brokers are able to determine readily the best bid and offer available from any participant for a multiply-traded security; (2) efficient routing of orders and administrative messages between market participants; and (3) participation, under certain conditions, by members of all participating markets in opening transactions in those markets.

changes<sup>2</sup> pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 to conform their ITS rules on member use of the ITS system to recent amendments to the ITS plan.<sup>3</sup> The proposed rule changes would: (1) Allow for the pre-opening application to be based on the closing price on the NYSE or the Amex in certain circumstances; (2) clarify that a specialist/market-maker who has sent a pre-opening response has a responsibility to seek a report of execution; and (3) clarify the procedures for resolving third participating market center trade-throughs.

The proposed rule changes were published in the Federal Register.<sup>4</sup> The Commission, however, received no comments on the proposals. This order grants approval of the proposed rule changes.

As noted above, the participants have proposed three changes to their rules. First, the participants have proposed to conform their rules to allow for the pre-opening application to be based on the closing prices of the NYSE or the Amex when, on a broad scale, consolidated closing prices are incorrectly displayed.<sup>5</sup>

<sup>2</sup> The file numbers of the proposed rule changes and the dates they were submitted are: SR-Amex-89-19 (August 3, 1989), SR-BSE-89-02 (April 12, 1989), SR-BSE-89-06 (September 19, 1989), SR-CSE-89-02 (June 29, 1989), SR-CSE-89-03 (September 15, 1989), SR-MSE-89-04 (July 13, 1989), SR-NASD-89-33 (July 12, 1989), SR-NASD-89-41 (September 5, 1989), SR-NYSE-89-26 (September 13, 1989), SR-PSE-89-01 (March 16, 1989), SR-PSE-89-07 (May 2, 1989), SR-Phlx-89-04 (June 15, 1989).

<sup>3</sup> The corresponding amendments to the ITS plan were published for comment and described in Securities Exchange Act Release No. 34-27359 (October 13, 1989).

<sup>4</sup> Securities Exchange Act Release Nos. 27268 (September 20, 1989), 54 FR 39596 (Amex); 26780 (May 3, 1989), 54 FR 20231 (BSE); 27282 (September 20, 1989), 54 FR 42609 (BSE); 27269 (September 20, 1989), 54 FR 39607 (CSE); 27283 (September 20, 1989), 54 FR 42610 (CSE); 27271 (September 20, 1989), 54 FR 39598 (MSE); 27272 (September 20, 1989), 54 FR 39599 (NASD); 27273 (September 20, 1989), 54 FR 39608 (NASD); 27275 (September 20, 1989), 54 FR 39609 (NYSE); 26781 (May 3, 1989), 54 FR 20224 (PSE); 27276 (September 20, 1989), 54 FR 39611 (PSE); 27278 (September 20, 1989), 54 FR 39612 (Phlx).

<sup>5</sup> A pre-opening application must be sent through ITS whenever a market maker anticipates that the opening transaction will be at a price that represents a change from the stock's "previous day's consolidated closing price," which is the last price at which a transaction in the stock was reported by Securities Information Automation Corporation ("SIAC"), a securities information processor, on the last previous day on which transactions in the stock were reported by SIAC, of more than a predetermined amount. To offset a pre-opening imbalance in a stock, a market maker will notify other participant markets of the situation by sending a message called a "pre-opening notification" through ITS, and to allow other markets a chance to respond, cannot open the particular stock until three minutes have elapsed.



In these situations, it is proposed that the Chairman of the ITS Operating Committee, upon the request of the Amex or the NYSE, may designate that the Amex's or the NYSE's closing prices, as appropriate, be substituted for the purposes of the pre-opening application.

Second, the participants proposed to conform their rules to add a section to make it clear that a specialist/market-maker who responds to a pre-opening notification has a responsibility to seek from the opening marketmaker a report of participation in the opening.<sup>6</sup> If, on or following trade date, the specialist/market-maker does request a report through the ITS system as to his participation before 4 p.m. Eastern Time, and he or she does not receive a response by 9:30 a.m. Eastern Time on the next trading day, he or she need not accept a later report. If the specialist/market-maker fails to so request a report, he or she must accept a report until 4:00 p.m. Eastern Time on the third trading day following the trade date.

Third, the participants proposed to change their rules to clarify the procedures for resolving third participating market center trade throughs to provide another exemption.<sup>7</sup> The proposed rule changes provide that when a member who initiates a third participant market trade through has sent a commitment to trade promptly following the trade through to satisfy the bid or offer traded through, and has preceded the commitment with an administrative message stating that the commitment was in satisfaction of the trade through, then such member will not have a further obligation to satisfy the trade through.

The Commission finds that approval of the proposed rule changes are consistent with section 6(b)(5) (Amex, BSE, CSE, MSE, NYSE, PSE and Phlx) and 15A(b)(6) (NASD) of the Act as they are designed to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of free and open market and a national market system, and, in general, to protect investors and the public interest. Further, these rule

changes are consistent with section 11A(a)(1)(d) of the Act which calls for the linking of all markets for qualified securities through communications and data processing facilities which foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investor's orders, and contribute to the best execution of such orders.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act, That the rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority: 17 CFR 200.30-3(a)(29).

Dated: November 24, 1989.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-28178 Filed 11-30-89; 8:45 am]  
BILLING CODE 8010-01-M

[Rel. No. 35-24990]

#### Filings Under the Public Utility Holding Company Act of 1935 ("Act")

November 24, 1989.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 18, 1989 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### CSW Credit, Inc. et al. (70-7113 and 70-7218)

Central and South West Corporation ("CSW"), a registered holding company, and CSW Credit, Inc. ("Credit"), its nonutility subsidiary company, both located at 2121 San Jacinto Street, Suite 2400, Dallas, Texas 75201, have filed a post-effective amendment to their application-declaration pursuant to Sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rules 45 and 50(a)(5) thereunder.

By prior Commission orders dated July 19, 1985, July 31, 1986 and February 8, 1988 (HCAR Nos. 23767, 24157 and 24565) (collectively, "Commission Orders"), CSW was authorized to form Credit for the purposes of factoring the accounts receivable of CSW's subsidiaries and nonassociated utilities. Credit's ratio of debt to equity was to be maintained at approximately 80% debt to 20% equity. CSW and Credit are now seeking to change such requirement to a requirement that the equity ratio be no less than 15%. In addition, CSW and Credit are seeking an extension of the Commission Orders, which expire December 31, 1989, through December 31, 1990.

#### Eastern Utilities Associates and EUA Cogenex Corporation (70-7287)

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and EUA Cogenex Corporation ("EUA Cogenex"), P.O. Box 2333, Boston, Massachusetts 02107, EUA's wholly owned nonutility subsidiary company, have filed a post-effective amendment to EUA's application-declaration filed under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rule 45(a) thereunder.

By order dated April 26, 1988 (HCAR No. 24628), EUA was authorized to make capital contributions and/or short-term loans to EUA Cogenex in an aggregate amount not to exceed \$15 million and to effect short-term borrowings not to exceed \$13.5 million under its existing credit lines to fund such loans and/or capital contributions. EUA Cogenex was authorized to effect short-term borrowings from EUA and directly from lending institutions under the EUA System's existing credit lines in an aggregate amount not to exceed \$15 million. By order of the Commission dated September 29, 1988 (HCAR No. 24722), EUA was authorized to guaranty the short-term borrowings of EUA Cogenex from lending institutions in an aggregate amount not to exceed \$15 million.

<sup>6</sup> Market-makers from other participant markets send "pre-opening responses," containing obligations to trade, including the number of shares and price that they are willing to trade, in response to a pre-opening application.

<sup>7</sup> A trade through is when a market maker purchases or sells any security at a price that is higher or lower than the price at which that security, at the time of such purchase or sale, is offered in one or more other participant markets. The trade through rule requires anyone who trades through another market's quotation to either break the trade or satisfy the other market's quotation, subject to certain exceptions.



For the period through December 31, 1991, EUA requests that it be authorized to purchase the common stock of, and to make capital contributions and/or loans to, EUA Cogenex, such loans to be evidenced by the issuance of notes bearing interest at a rate equal to EUA's effective cost of funds from commercial lenders, as adjusted from time-to-time. The aggregate amount of such investments by EUA in EUA Cogenex is not to exceed \$30 million ("Investments") at any one time outstanding.

In addition, EUA Cogenex proposes to effect borrowings under the EUA System's existing credit lines in an aggregate amount not to exceed \$25 million ("Borrowings"), which EUA proposes to guaranty. Authorization of the Investments by EUA in EUA Cogenex and the Borrowings by EUA Cogenex under the existing credit lines would result in an authorized financing authority of \$55 million for EUA Cogenex.

The Borrowings for EUA Cogenex and up to \$15 million of EUA's Investments in EUA Cogenex will be financed by short-term borrowings under the EUA System's existing credit lines evidenced by the issuance of notes ("Notes"), which may be issued and renewed during the period ending December 31, 1991. (The remaining \$15 million of EUA's Investments will be provided by the use of proceeds from the public offering of additional EUA common shares, which is the subject of SEC File No. 70-7511). Such Notes will mature in not more than nine months from their respective dates of issuance. The existing credit line arrangements include borrowing at the prime rate or money market rates, if lower, together with a commitment fee (if applicable) equal to  $\frac{1}{4}$  of 1% multiplied by the credit line.

#### Central and South West Corporation (70-7479)

Central and South West Corporation ("CSW"), 2121 San Jacinto Street, Suite 2500, Dallas, Texas 75201, a registered holding company, has filed a post-effective amendment to its application-declaration filed under Section 12(c) of the Act.

By order of the Commission dated January 21, 1988 (HCAR No. 24563) ("January Order"), CSW was authorized to purchase and retire, in open market and negotiated transactions through December 31, 1989, up to 10% (or 9,481,220 shares) of its common stock issued and outstanding. Through October 31, 1989, CSW has repurchased 746,882 shares of its common stock at an average price per share of \$31.49 pursuant to the January Order.

CSW now requests authorization to continue the repurchase program through December 31, 1991 with respect to the remaining 8,734,338 shares. At September 30, 1989, XSW had 94,114,000 shares of common stock issued and outstanding. Assuming CSW's acquisition of the entire 8,734,338 shares of common stock at \$36 per share, CSW's consolidated common equity to total capitalization ratio as of September 30, 1989, would have been reduced from 44.5% to 41.4%.

#### Eastern Utilities Associates et al. (70-7511)

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and its wholly owned electric public-utility subsidiary company, Eastern Edison Company ("Eastern Edison"), 110 Mulberry Street, Brockton, Massachusetts 02403, have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(c) of the Act and Rules 40, 42 and 50 thereunder.

By Commission order dated July 28, 1989 (HCAR No. 24930), EUA was authorized, among other things, to issue and sell, from time to time during the period ending May 31, 1990, up to 1,500,000 shares of EUA's common stock, par value \$5 per share ("Additional Shares"), pursuant to the competitive bidding procedures of Rule 50 of the Act, as modified by the Commission's Statement of Policy, dated September 2, 1982 (HCAR No. 22623). EUA was authorized to apply the proceeds from the issuance and sale of the Additional Shares to any or all of the following: (i) to repay short-term bank borrowings of EUA; (ii) to provide funds for, or to repay short-term bank borrowings or other debt incurred in connection with, EUA's offers to purchase all of the outstanding common stock of UNITIL Corporation and/or Fitchburg Gas and Electric Light Company; (iii) to pay underwriting costs and other expenses of the financing; and (iv) for other corporate purposes.

EUA now proposes, in addition to the use of proceeds previously authorized, to use up to \$15 million to purchase the common stock of, and to make capital contributions and/or loans to, EUA Cogenex, such loans to be evidenced by the issuance of notes bearing interest at a rate equal to EUA's effective cost of funds from commercial lenders, as adjusted from time-to-time.

#### Yankee Atomic Electric Company (70-7686)

Yankee Atomic Electric Company ("Yankee Atomic"), 580 Main Street,

Bolton, Massachusetts 01740, an electric public-utility subsidiary company of New England Electric System and Northeast Utilities, each a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

Yankee Atomic proposes to enter into a revolving credit and term loan financing agreement ("Credit Agreement") with The Bank of New York ("BNY") and a syndicate of banks (collectively, "Banks") pursuant to which Yankee Atomic proposes to issue up to \$40 million of notes ("Notes") at any one time outstanding. From January 1, 1990 to January 1, 1995, the borrowings will be on a revolving credit basis and will bear interest at Yankee Atomic's choice of several specified interest rates. Alternatively, Yankee Atomic would have the option under the Credit Agreement to invite the Banks to bid competitively for advances for requested maturities of up to 180 days. Yankee Atomic requests an exemption from competitive bidding requirements of Rule 50 pursuant to Subsection (a)(5) thereunder for the issuance of the Notes. Yankee Atomic will pay to the Banks a commitment fee, as specified in the Credit Agreement.

At the end of 1991 and on subsequent anniversary dates, Yankee Atomic will have the option, subject to the consent of the Banks, to extend the revolving credit period for no more than three additional one year periods. At the end of the revolving credit period (which shall not be later than January 1, 1998), the revolving credit will convert to a thirty month, amortizing term loan and will bear interest at Yankee Atomic's choice of several specified interest rates.

The Credit Agreement will also offer Yankee Atomic the option to enter into an interest rate swap with BNY during the life of the revolving credit commitment. Yankee Atomic states that in no event will the fixed rate of interest paid by Yankee Atomic exceed by more than 2.0% per annum the yield, at the time of entering into the swap agreement, on direct obligations of the U.S. Government having maturities comparable to the term of the swap arrangement. In return, the counterparty in the interest rate swap transaction would make payments to Yankee Atomic based upon the same principal amount and an agreed-upon floating interest rate index.

#### West Texas Utilities Company (70-7719)

West Texas Utilities Company ("WTU"), 301 Cypress, Abilene, Texas 79601-5820, a wholly owned electric public-utility subsidiary company of



Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10 and 12(c) of the Act and Rules 42, and 50 thereunder.

WTU proposes to issue and sell, from time-to-time through December 31, 1990, up to \$75,000,000 aggregate principal amount of its first mortgage bonds ("New Bonds"). The New Bonds will have maturities of five to thirty years. Interest rates and the price to be paid to WTU for the New Bonds will be determined by competitive bidding pursuant to Rule 50 or in accordance with the alternative procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623).

WTU also proposes to acquire all or a portion of its outstanding First Mortgage Bonds Series M, 11 3/4%, Due August 1, 2015 ("Series M Bonds"), through a tender offer ("Tender Offer") to the holders of the Series M Bonds, for cash, prior to December 31, 1990.

WTU states that the proceeds from the sale of the New Bonds, will be applied (i) to fund the purchase of tendered Series M Bonds, (ii) to redeem on August 1, 1990, the date of expiration of the refunding protection of the Series M Bonds, any Series M Bonds not tendered in the tender offer, (iii) to repay short-term debt and (iv) for other general corporate purposes. It is anticipated that the New Bonds would be issued prior to the commencement of the Tender Offer. In the event the Tender Offer is consummated prior to the receipt of the proceeds of the New Bonds, WTU may be required to pay the purchase price of tendered Series M Bonds from internally generated funds or available short-term borrowings, pursuant to the order of the Commission dated April 5, 1989 (HCAR No. 24855).

#### Central Power and Light Company (70-7721)

Central Power and Light Company ("CP&L"), 539 North Carancahua Street, Corpus Christi, Texas 78401-2802, a wholly owned electric public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10 and 12(c) of the Act and Rules 42(a) and 50 thereunder.

CP&L proposes to issue and sell, from time-to-time through December 31, 1990, up to \$170,000,000 aggregate principal amount of its First Mortgage Bonds and/or debentures ("New Securities"). The New Securities will have maturities of five to thirty years. Interest rates and the price to be paid to CP&L for the New Securities will be determined by

competitive bidding pursuant to Rule 50 or in accordance with the alternative procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623).

CP&L also proposes to acquire all or a portion of its outstanding First Mortgage Bonds, Series V, 11 3/4%, Due August 1, 2015 ("Series V Bonds"), and CP&L's 12% Debentures, Series 1985, Due September 1, 2015 ("Debentures") (collectively, "Securities") through a tender offer ("Tender Offer") to the holders of the Series V Bonds and Debentures, for cash, prior to December 31, 1990. The Tender Offer prices will include a premium over the market price of the Securities. The aggregate principal amount of Series V Bonds and Debentures outstanding are \$85,000,000 and \$85,000,000, respectively.

In the event the Tender Offer is consummated prior to the receipt of the proceeds of the New Securities CP&L may be required to pay a portion of the purchase price of tendered Securities from internally generated funds or available short-term borrowings pursuant to the order of the Commission dated April 5, 1989 (HCAR No. 24855). In the event the proceeds from the issuance of the New Securities is greater than the amount required for the tender of the Securities, the remaining proceeds will be used for the repayment of short-term debt or for other general corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-28176 Filed 11-30-89; 8:45 am]

BILLING CODE 8015-01-M

[Rel. No. IC-17237; 812-7339]

#### National Bond Fund, National Securities & Research Corporation; Application

November 24, 1989.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

**Applicants:** National Bond Fund (the "Fund") and National Securities & Research Corporation (the "Adviser") (collectively the "Applicants").

**Relevant 1940 Act Sections:** Exemption requested under section 17(b) of the 1940 Act from the provisions of section 17(a).

**Summary of Application:** Applicants seek an order exempting the sale of

portfolio securities (the "Bonds") by the Fund to the Adviser from the prohibitions of section 17(a) of the 1940 Act.

**Filing Dates:** The application was initially filed on June 15, 1989, and an amendment was filed on August 25, 1989.

**Hearing or Notification of Hearing:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant[s] with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 21, 1989, and should be accompanied by proof of service on the Applicant[s], in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street NW, Washington, DC 20549. Applicants, c/o Kenneth R. Meyers, Rogers & Wells, 200 Park Avenue, New York, New York 10166.

**FOR FURTHER INFORMATION CONTACT:** Sheryl Siman Maliken, Staff Attorney (202) 272-2190 or Max Berueffy, Branch Chief, at (202) 272-3016.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a free from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

#### Applicant's Representations.

1. The Fund is a registered, open-end, diversified management investment company organized as a Massachusetts business trust. The Fund's objective is to provide an investment in a diversified group of bonds which are selected for high income. The Adviser acts as investment adviser to the Fund and places orders for the purchase and sale of the Fund's portfolio securities. The Adviser is an indirect wholly-owned subsidiary of Aitken Hume International PLC ("Aitken Hume"), a financial services firm based in the United Kingdom.

2. The Fund is governed by a Board of Trustees which oversees the management and affairs of the Fund and the services provided to the Fund by the Adviser. Mr. E. Virgil Conway ("Conway") is a member of the Board of



Trustees of the Fund. From 1969 until May 1, 1989, Conway was Chairman, Chief Executive Officer and President of The Seamen's Bank for Savings, FSB (the "Bank"), which is wholly owned by Seamen's Corporation, a savings and loan holding company (the "Holding Company"). Conway currently serves the Bank only in his capacity as a consultant. Since June, 1987 Conway has been a shareholder of the Holding Company.

3. The Fund has certain fundamental investment restrictions that are described in the registration statement for the Fund and are changeable only by vote of the shareholders. The Fund's Statement of Additional Information, dated July 8, 1988, contains the following fundamental investment restriction:

No security can be purchased or retained, if at the time any officer, trustee or shareholder of the issuer, owning more than 1/2 of 1% of the shares or other securities, or both, of such issuer, is an officer or trustee of the Fund.

4. The Fund currently holds Seamen's Bank for Savings, FSB, Medium Term Notes bearing interest at 15 1/2%, due January 1, 1998, in the principal amount of \$2,500,000 (the "Bonds"), which were purchased in June, 1987. The Holding Company has outstanding two classes of common stock, designated Class A Common Stock and Common Stock. At the time the Bonds were purchased, and at all times since then, Conway has held shares of Class A Common Stock amounting to over 1/2 of 1% of the shares of the Class A Common Stock issued and outstanding, and comprising over 1/2 of 1% of the shares of both Class A Common Stock and Common Stock issued and outstanding in the aggregate. Due to Conway's ownership of securities of the Holding Company, the purchase and holding of the Bonds violated the Fund's fundamental investment restriction described above. The Fund wishes to dispose of the Bonds to comply with its investment restrictions as contained in its registration statement in a timely manner.

5. The Bonds were purchased at 108% of par value for aggregate consideration of \$2,700,000. Since 1987, the Bank's earnings have declined and the value of the Bonds and its other securities has dropped sharply. Based on current market conditions, and market quotations obtained by the Adviser and the Trustees of the Fund, bonds of the same class as the Bonds are currently quoted at prices substantially below par value. Given these conditions, the Trustees of the Fund and the Adviser recognize that it would be disadvantageous to dispose of the Bonds

on the open market, which would certainly result in a large capital loss. In a written undertaking provided to the SEC, the Adviser has undertaken to reimburse the Fund for any such capital loss. However, the Trustees and the Adviser view the Fund's continued holding of the Bonds as undesirable because this would prolong the present situation in which the holding of the Bonds does not meet the constraints of the Fund's fundamental investment restrictions and contradicts the language of the Fund's Statement of Additional Information.

6. The Fund and the Adviser have determined that it would serve the best interests of all the parties for the Adviser to purchase the Bonds from the Fund at 108% of par value. This would eliminate a portfolio holding of the Fund which violates one of the Fund's fundamental investment restrictions. The purchase of the Bonds from the Fund by the Adviser has already received the necessary approvals of the Trustees of the Fund, Directors and Shareholders of the Adviser, and the Directors of Aitken Hume.

#### **Applicant's Legal Analysis**

1. Section 17(a)(2) of the 1940 Act prohibits an affiliated person of a registered investment company, acting as principal, knowingly to purchase from such registered company any security or any property. The Fund and the Adviser are "affiliated persons" of one another under section 2(a)(3) of the 1940 Act, and, for purposes of section 17(a), the Fund and the Adviser are affiliated persons. Thus, the Adviser's purchase of the Bonds from the Fund would violate section 17(a)(2).

2. Section 17(b) of the 1940 Act provides that the SEC, by order upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that:

(1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the federal securities law; and (3) the proposed transaction is consistent with the general purposes of the Act.

3. The Applicants believe that the proposed transaction is consistent with the standards set forth in section 17(b).

(a) The terms of the proposed purchase are reasonable and fair and do not involve overreaching on the part of any of the parties. The Adviser will pay

consideration to the Fund consisting of cash in the amount of the Fund's cost of the Bonds, which will be substantially in excess of the current market value of the Bonds. The shareholders of the Fund will therefore be protected from any loss resulting from the sale of the Bonds.

(b) The proposed transaction is consistent with the policy of the Fund. One of the Fund's fundamental investment restrictions prohibits the purchase or holding of securities if an officer or trustee of the Fund holds more than 1/2 of 1% of the securities of the issuer. The transaction will enable the Fund to avoid a continued violation of this restriction.

(c) The proposed transaction is consistent with the general purposes of the Act to protect security holders of investment companies from inadequate disclosure, discrimination among holders of securities issued by investment companies, and self-dealing on the part of investment company affiliates to the detriment of security holders. The proposed transaction will enable the Fund to restore compliance with one of its fundamental investment restrictions, and bestow a further benefit upon the shareholders of the Fund, because it would pass the risk of capital loss on the disposition of the Bonds on to the Adviser. Applicants assert that granting the requested exemptive order would therefore be consistent with the best interests of the shareholders of the Fund.

#### **Applicant's Conditions**

Applicant agrees to the following conditions in connection with the relief requested:

1. **Best Price.** Prior to the transaction, the Fund and the Adviser will determine that the price to be paid to the Fund for the Bonds is higher than any other available price. To accomplish this, the Fund will advertise the Bonds on national bond broker wire services and solicit broker-dealers of corporate debt issues to obtain competitive bids. The Fund will document all such bids received and will proceed with the transaction only when it has received a sufficient number of bids to reasonably conclude that the price offered by the Adviser is the highest price available.

2. **Fair Price.** In the event the Fund is unable to obtain any bids for the Bonds, the Fund will gather other relevant data to insure that the Fund is receiving a fair price for the Bonds. Such other relevant data shall include prices at which recent sales of bonds of the same class as the Bonds have occurred and prices, as a percentage of par value, at which sales of similarly rated bonds of similar



issuers have occurred. The portfolio manager for the Fund will identify savings institutions that have had earnings performance comparable to the Bank and will examine recent transactions in the comparably rated debt issues of those institutions. Only if the Fund is satisfied that the price offered by the Adviser compares favorably with the other data will the proposed transaction occur.

3. *Remittance of Future Profit.* The Adviser will pay to the Fund any net profit derived from any future disposition of the Bonds, whether resulting from sale, liquidation of underlying collateral, litigation involving the Bonds or the Bank, or any other source or manner of disposition. Such net profit shall consist of the amount realized by the Adviser less the amount paid to the Fund and costs incurred in connection with the disposition of the Bonds. This remittance of future profit to the Fund prevents the Adviser from obtaining any improper gain from the proposed transaction and allows the Fund's investors to retain the possibility of gain from the holding of the Bonds.

4. *Segregated Records.* The Fund and the Adviser will maintain segregated records adequate to document and support that the foregoing conditions have been fulfilled and to make certain that all necessary records of all actions taken in connection with the proposed transaction are prepared and permanently maintained.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-28175 Filed 11-30-89; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service (IRS)

#### Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on December 13 & 14, 1989. The meeting will be held in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, NW., Washington, DC. The meeting will begin at 8:30 a.m. on Wednesday, December 13 and 8:30 a.m. on Thursday, December 14, 1989. The agenda will include the following topics:

#### Wednesday, December 13, 1989

Information Systems Development  
Bill of Rights Status Report  
Commercial Preparers

Budget Allocation/Audit Resources  
Information Returns Processing (IRP)  
Human Resources Subgroup Report

#### Thursday, December 14, 1989

NAS Panel on Research on Taxpayer Compliance  
Regulations Subgroup Report  
Rulings Subgroup Report  
Follow-up's, Q&A and News Items

**Note:** Last minute changes to the day or order of topic discussion are possible and could prevent effective advance notice.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people, including members of the Commissioner's Advisory Group and IRS officials. Due to the limited conference space, notification of intent to attend the meeting must be made with Robert F. Hilgen, Assistant to the Senior Deputy Commissioner no later than December 8, 1989. Mr. Hilgen may be reached on (202) 566-4143 [not toll-free].

If you would like to have the committee consider a written statement, please call or write Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, Internal Revenue Service, 1111 Constitution Avenue, NW., C:SD Room 3014, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:**  
Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, (202) 566-4143 [Not toll-free].

Fred T. Goldberg, Jr.,

Commissioner.

[FR Doc. 89-28104 Filed 11-30-89; 8:45 am]

BILLING CODE 4830-01-M

## UNITED STATES INFORMATION AGENCY

### Grants Program for Private, Non-Profit Organizations In Support of International Professional and Cultural Activities

The following announcement supersedes the one appearing in the Federal Register, Volume 54, Number 108 of Wednesday, June 7, 1989, pp. 24462-24463.

#### Summary

The Office of Private Sector Programs announces a program of grant-support to U.S. non-profit organizations for projects that link their international exchange interests with counterpart institutions/groups in other countries in ways supportive of the aims of the Bureau of Educational and Cultural Affairs. Interested applicants are urged to read the complete Federal Register

announcement prior to addressing inquiries to the Office.

The Office of Private Sector Programs of the United States Information Agency (USIA) announces a program to support the international exchange objectives of the United States by stimulating and encouraging increased private sector commitment, activity, and resources through limited grants to non-profit U.S. institutions. The Office is a networking instrument that serves to link the international exchange interests of U.S. private sector non-profit institutions with counterpart institutions and organized groups in other countries. The Office gives high priority to project proposals that establish or promote linkages between American and foreign professional organizations and major cultural institutions.

Projects must include an international people-to-people component, have a professional and cultural focus, and demonstrate a substantial contribution to long-term communication and understanding between the United States and other countries.

USIS post consultation is strongly recommended for all purposes.

The Office of Private Sector Programs works with U.S. non-profit organizations on cooperative international group projects that introduce American and foreign participants to one another's traditions, arts, social, economic and political structures, and international interests. The Office will accord priority status to international projects involving leaders or potential leaders in various fields and professions, including leaders of cultural institutions, urban planners, jurists, specialized journalists (economic and cultural journalism, international affairs), business professionals, parliamentarians and economic officials. Since these programs focus on substantive issues of mutual interest, we recommend the coordination of these activities with academic institutions. The Office's projects are intellectual and cultural, not technical. Proposals falling in technical fields must have as their focus the role and function of the profession/activity within American society.

Each private sector activity must maintain its nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. Programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

Proposals for projects taking place in the United States or overseas are



welcome for topics that involve any area of the world. However, the Office would encourage those that involve Eastern Europe, the Near East, South and Southeast Asia, and Africa.

USIA grant assistance constitutes only a portion of total project funding. Proposals should list other anticipated sources of support—both financial and in-kind. Budget submissions should be presented in multi-column format and clearly display cost-sharing support of proposed projects. Programs generally range from one to six weeks; the duration of the entire grant period does not normally exceed one year.

Funding assistance for these discretionary grants is limited to participant travel and per diem requirements, with modest USIA funding available to cover administrative costs (salaries, benefits, other direct and indirect costs) which may not exceed 20% of the total funds requested. The grantee agency may wish to cost-share any of these expenses.

#### *Creative Arts Competition*

The Office of the Private Sector Program (E/P) also strongly encourages project proposals from U.S. non-profit organizations or institutions in the creative arts, including arts councils and humanities committees. Proposals should include an international exchange of persons component. The Office will accord priority status to projects involving international leaders of cultural institutions, cultural commentators and critics, arts administrators, specialists in historic preservation and art conservation, architects, and practicing artists in institutional projects that directly engage artists in the creation of their particular art forms. Thematic areas include: Music, Dance, Theater, Literature, Visual Arts, Folk Arts, Crafts and Folklore, Museum Exchanges, Historical Conservation, Supportive Arts Organizations, and Arts-oriented Philanthropies.

Proposed arts exchanges may operate either to or from the United States, preferably in both directions. Proposals that potentially lead to institutional linkages will receive priority consideration in the review process.

Arts projects co-funded and co-sponsored by the E/P office would ideally enlist the participation of U.S. cultural officers in our embassies in the countries involved. In the case of proposals for bringing creative arts professionals to the United States, USIS officers abroad may nominate candidates for the proposed activities, while the creative arts grantees in the United States will make the final

selection of award-winning candidates. The E/P office seeks professionalism, fairness, and some measures of balance in the distribution of awards among world areas.

The E/P office does not accept proposals for the support of performing arts tours, film festivals, independently-operating international competitions, exhibits, or academic arts programs. Only in exceptional cases, those that forge continuing collaboration between institutions, will conferences or symposia be considered.

#### *Additional Guidelines and Restrictions*

The E/P office requires co-funding with grantees in all projects. Proposals with less than 33% cost-sharing must have especially strong justification even to receive consideration.

E/P grants are not ordinarily given to support projects whose focus is purely technical, research projects, or professional training, independently-operating international competitions, youth or youth-related activities, or publications funding. Student and/or teacher/faculty exchanges or projects which are scholarly or academic in purpose should in most cases be directed to USIA's Office of Academic Programs. Youth or youth-related projects should be directed to USIA's Office of International Youth Exchange. Proposals focusing on technical aspects of science and technology do not fall within the domain of the Office and should be referred to relevant federal agencies for consideration.

#### *Deadlines*

The Office of Private Sector Programs will accept proposals from November 22, 1989 through March 2, 1990, for funding prior to October 1, 1990. Project proposals must be received a minimum of four months in advance of the activity date and will be accepted for review only when they are fully in accord with Project Proposal Information Requirements (OMB #3116-0175). For projects that would begin after December 31, 1990, competition details will be announced in the *Federal Register* on or about May 15, 1990.

Inquiries are welcome prior to submission of applications. Only under highly compelling circumstances will the Office of Private Sector Programs consider applications outside the above-mentioned timeframe.

The Office of Private Sector Programs offers the following additional guidance to prospective applicants:

1. As stated, the Office of Private Sector Programs guidelines indicate that full and complete proposals must be submitted a minimum of four months

prior to the start of a program. This is necessary for two reasons. First, the Office's Congressional mandate may often be best served when U.S. private sector organizations work with U.S. Information Service (USIS) posts in other countries in developing projects that build ongoing institutional linkages between foreign and U.S. institutions. Projects usually serve these ends best when USIS officers have reasonable time and opportunity to lay the groundwork for successful educational and cultural programming. Second, the review process for proposals submitted to USIA is multilayered and time-consuming. The four-month minimum timeframe stipulated between the receipt of proposals and the date of the proposed activity is just barely sufficient to make a project work for the benefit of all concerned.

2. Projects supported by the Office of Private Sector Programs are intended to support USIA goals abroad as well as to assist U.S. private sector organizations in their efforts to advance international understanding in areas identified as important for bilateral relations. While the Office welcomes clearly defined projects in the wide gamut of U.S. private-sector fields, it gives preferential consideration to projects that involve USIS posts in the nomination of foreign participants with a few toward building ongoing institutional linkages between foreign and U.S. institutions. Applicants should be aware that proposals for bilateral programs are subject to review and comment by the USIS post in the relevant country, and that pre-selected participants will also be subject to USIS post review.

3. The Office of Private Sector Programs gives preferential consideration to proposals for activities in other countries when USIS posts are consulted in the design of the proposed program and in the choice of the most suitable venues for such programs.

4. The Office of Private Sector Programs does not encourage proposals for the partial support of conferences. The Office evaluates such proposals in the light of benefits going beyond the context of the conference itself, most importantly their potential for creating and strengthening enduring linkages between foreign and U.S. organizations, and the extent to which topics of priority interest to USIA are discussed. Conference proposals should include a detailed agenda, clearly identified speakers/presenters (and the professional/academic credentials thereof), and a careful explanation of the role of participants from other countries in the conference. The



participation of a respected university or scholarly organization would in many cases be advantageous. Further, the themes addressed in such meetings must be of long-term importance rather than focussed on current events of short-term issues. In every case, a substantial rationale for such meetings must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution the conference or symposium will yield. Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered.

5. Because of limited resources, the Office of Private Sector Programs encourages project proposals involving more than one country. However, single-country projects that are clearly defined and possess the potential for creating and strengthening continuing linkages between foreign and U.S. institutions are also welcome, provided they address the priority interests of the USIA.

For additional information and planning assistance, prospective applicants may wish to contact Dr. Raymond H. Harvey, or for creative-arts proposals, Dr. Anne-Imelda Marino Radice.

Office of Private Sector Programs,  
Bureau of Educational and Cultural Affairs,  
United States Information Agency,  
301 4th Street, SW.,  
Washington, DC 20547, or call (202) 485-7348.

Dated: November 13, 1989.

Stephen J. Schwartz,

Director, Office of Private Sector Programs.

[FR Doc. 89-28144 Filed 11-30-89; 8:45 am]

BILLING CODE 8230-01-M

### Youth Exchange Program

The Bureau of Educational and Cultural Affairs, Youth Exchange Staff, of the U.S. Information Agency announces its intention to fund a series of educational and cultural projects during 1990 and seeks written expressions of interest and capability on the part of private sector organizations that wish to be considered for grants to conduct these projects. Please note that this is not a request for proposals. Interested, potentially qualified organizations will be sent letters inviting them to submit detailed proposals and guidelines for these submissions once the Agency has developed specific solicitations. In each instance at the time of solicitation a limited number of organizations will be competing with each other in bidding on a project design. The list of competing organizations will include, but not

necessarily be limited to, those that respond to this invitation. The Agency may solicit proposals from additional organizations, which, in the Agency's discretion, it believes would be qualified.

Programs are authorized under Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961, whose purpose is "to increase mutual understanding between the people of the United States and the people of other countries." Programs under the authority of the Bureau must be balanced and representative of the diversity of American political, social, and cultural life.

The purpose of the youth exchange program is interaction and interchange between foreign and American youth aged 15-30. All projects should be an opportunity for the foreign participants to share and present their ideas. Although there are a few two-way exchanges on this list, the typical project is a short-term (3-5 week) group activity for participants identified by USIS posts overseas to be conducted in several locations in the U.S. American young counterparts should be included in all aspects of the substantive program and in social and cultural activities. The components will vary depending on the theme, age of participants, length of stay, location of activities, and other specifications.

Respondents are hereby notified that budgetary constraints may prevent some of these projects from being funded. If a project is cancelled, all respondents will be informed in writing by the Agency.

### Eligibility

To be eligible for consideration organizations must be incorporated in the U.S., have not-for-profit status as determined by the Internal Revenue Service, and be able to demonstrate expertise in a field relevant to the nature of the project on which they are bidding. Organizations with less than four years experience in the field of international exchange will only be eligible for grants under \$60,000. Experience programming international visitors is desirable.

### Review Process

Respondents expressing an interest in one of these projects will be sent a project design (an outline of the program and target budget figure) and will be invited to submit a proposal. Guidelines for preparing proposals will be sent at that time. Proposals submitted in response to these invitations are reviewed for legal and budgetary requirements by USIA offices responsible for these functions and for program content and cost-effectiveness

by a grant review panel composed of USIA officers. The Associate Director for Educational and Cultural Affairs identifies and approves grant recipients. Final technical authority for grant awards resides with the Agency Contracting Officer.

Panels review proposals according to the following criteria and, on occasion, additional criteria relevant to the specific competition, as stated in the project description:

- Quality of substantive aspects of the proposed activities and their relevance to Agency priorities.
- Feasibility of the program plan.
- Applicant's experience relevant to the program goals.
- Multiplier effect/impact—the likely impact of the exchange experience on individuals, institutions and communities beyond the participants.
- Cost-effectiveness—greatest return on each grant dollar.
- Potential impact in the geographic area to which the project corresponds.
- Applicant's ability to conduct the program in the designated language.

### Deadline

Interested organizations are requested to respond in writing by December 31, 1989, so that they may be included in limited solicitations for project designs now being prepared.

### Additional Youth Exchange Program Offerings

A separate announcement is being published for exchanges of young people between the U.S. and the USSR and Eastern/Central Europe called the "Samantha Smith Memorial Exchange Program." Another is being prepared for young leader projects with Eastern Europe. For further information on these programs and on the projects listed below, please write to the Youth Exchange Staff at the address provided at the end of this announcement.

### Europe

#### United Kingdom

A project for a small group of student leaders from key secondary schools in England, Scotland, Wales and Northern Ireland designed to introduce them to American society and the role of education in this society; also to explore important societal issues and concerns. It will be conducted either in the spring or fall of 1990.

#### Spain

A project for a small group (4-6) of talented young economists (aged 25-30)



to examine European economic and trade issues, government efforts to promote market-oriented regional development, and the role of the entrepreneurial sector.

#### *Italy*

A group of young Italians (8-10 participants aged 18-25) interested in environmental issues will participate in a summer program for young American volunteers or interns in US national parks. The American grantee organization will work with the Italian National Parks Committee to arrange a reciprocal program for a group of Americans in Italy.

#### *European Regional Projects*

1. Foreign Affairs—A project for 12-15 university students and student leaders on security/defense issues (NATO), the changing landscape in Eastern Europe, and implications for East-West relations; and trade and economic issues, with special emphasis on Europe in 1992. The project may include a few participants from Eastern Europe.

2. Environment—A project for 12-15 graduate students and young professionals from Western and Eastern Europe interested in environmental issues. The emphasis will be on international policy concerns and diverse approaches to the solution of problems.

#### *Latin America/The Caribbean*

1. Community Development/Youth Leaders—This 3-4 week project will expose 10-12 young community leaders to grassroots development in the U.S., with a special focus on drug education/demand reduction/counseling. Project will be conducted in Spanish.

2. U.S.-Mexican relations—A 3-week project to send a group of U.S. university students interested in U.S.-Mexican relations to meet with Mexican students and young professionals. The American participants must be proficient in Spanish. The USIA grant will be limited to partial costs only.

3. Caribbean Drug Demand Reduction—This two-way exchange will involve approximately 10 Caribbean leaders and a similar group of Americans involved in drug awareness organizations for youth. Building upon a past youth exchange effort that resulted in the formation of a number of substance abuse youth organizations in the Caribbean, ten youth leaders from 5 Caribbean countries will come to the U.S. to participate in programs concerned with substance abuse education. Representatives of American programs will participate in similar programs in the Caribbean.

4. Dance in America—Eight young professional dancers or students of dance from Latin America will explore U.S. values, customs, and attitudes through the medium of dance during this 3-4 week project. Participants will attend master classes, take part in limited performances and meet and discuss dance and the arts with their peers. Escort interpreters will be provided.

5. U.S.-Mexican Border Affairs (Mexico)—10-12 Mexican university students and young professionals will explore issues and problems of international borders with a special focus on the U.S.-Mexican border and issues of immigration, the economy, drugs, and cultural interaction.

#### *Africa*

Depending on final funding, all projects will be from 3-4 weeks with 8-10 participants.

1. Women in Community Development—A project for women in community service organizations from francophone countries to explore health, family life, and voluntarism at the grassroots level. The program will be conducted in French.

2. Preservation of the Environment—A project for university students or young professionals involved in environment-related activities, including agriculture, aquatic environment, hazardous waste, chemical hazards, etc.

3. Science—A project for gifted students in science and math (upper high school level), to include substantial opportunities for interaction with peers, preferably during the academic school year, plus observation of scientific achievement in the private and public sectors relevant to the African situation.

#### *Near East/South Asia*

##### *Maghreb*

A project to bring junior faculty in the field of American Studies from Morocco, Algeria and Tunisia to the United States for about one month. The focus is on the American political system and history supported by discussion of the development of democratic institutions and current teaching methods in this field. The project will likely be conducted in French or Arabic.

##### *Levant*

A project to bring student leaders and young community activists from Egypt and other Arabic-speaking countries in the Levant to the United States for about one month. The focus is on the development of democratic political institutions and efforts to incorporate young people into political life.

Participants would engage American experts, scholars and peers in an extensive dialogue on these issues as they relate to the U.S. and to the participating countries. Participants should be given an opportunity to observe American efforts to integrate new citizens from predominantly Muslim countries into the U.S. political culture. The project will likely be conducted in Arabic.

#### *Pakistan*

A project to bring one young Pakistani from each of that country's four provinces to the U.S. for three weeks. Winners of an essay competition about the works of Dr. Martin Luther King, their program will concentrate on methods used to achieve peaceful political change as demonstrated by Dr. King and the civil rights movement. The visitors will observe how young Americans begin to participate in the political system, and they will engage such peers in an extensive exchange of views.

#### *South Asia*

A project for university students and young leaders from India and neighboring countries. It will focus on the development of democratic political institutions and efforts to incorporate young people into political life. The participants will also examine the use of law to advance the public interest and drug abuse education and prevention programs.

#### *Regional Project*

A project to introduce students and young leaders from various countries in North Africa, the Middle East and South Asia to the ethnic diversity of American society. They will observe American efforts to integrate new citizens, especially from the Muslim world and South Asia, into U.S. society. They will exchange views with young Americans of varied backgrounds on our political system and relationships among racial and ethnic groups.

#### *Egypt*

A two-way exchange of young filmmakers. They will show their work to fellow practitioners in the host country and exchange views about current issues in film. The project will include educational site visits and opportunities to refine and develop professional skills.

#### *East Asia/Pacific*

##### *Japan*

A project to bring 10 young cultural leaders from such fields as dance



(including choreographers), dram (including actors, directors, design and technicians), filmmakers, museum curators, musicians (both performers and composers) and video to the U.S. for three-month internships at American cultural institutions. They will be assigned a "mentor" to help the personal side of getting established. The participants will contribute to a cultural presentation undertaken by the host institution. A long-term goal of this project is to enhance professional relationships between young performing artists in both countries. As needed, the program will include part-time English language study for the Japanese participants.

#### *Regional on Business, Trade and Economics*

A four-week project to bring young leaders from Japan, Korea, Australia, New Zealand, the ASEAN nations and other East Asia countries to the U.S. for a program on current economic trends and specific trade issues between the U.S. and the region. The program would be conducted in English.

#### *ASEAN Project*

A four-week project to bring young leaders (aged 20-30) from the ASEAN (Association of South East Asian Nations) to the U.S. for an in-depth exposure to American life, culture and institutions through professional meetings, university activities and short homestays. They will address specific issues between their countries and the U.S., meet American students and other young leaders and exchange views with a broad group of American peers and experts.

#### *Australia and New Zealand Teacher Trainees*

A project to bring secondary school teacher trainees from both countries, who plan to specialize in American Studies-related fields, to the U.S. in order to visit secondary schools and other educational institutions. They will observe the methods used by our teachers in American Studies, exchange views with educational professionals and discuss the views of young people in their countries with American peers.

#### *Australia and New Zealand Student Editors*

A project to bring the editors of student newspapers to the U.S. to meet their counterparts throughout this country. They will discuss the roles and influence of campus newspapers,

current interests and concerns of students in both countries and meet Americans with a strong interest in their countries.

#### **Multiregional Projects**

These projects are for groups of 12-15 international participants for 3-4 week travel/observation programs in the U.S. USIS posts worldwide will be invited to submit nominations.

1. Journalism—The focus will be on openness ("glasnost") in these changing times. Freedom of the press will be the central issue, with a review of current thinking on the free flow of information. The effect on coverage and commentary of ethical considerations, national/local sensitivities and taboos, and comparative government rules will also be emphasized.

2. Environment—The project will provide a general overview of environmental policy concerns for young public administrators and graduate students of public administration. The issues include those that are the subject of worldwide debate, such as the global warming trend, air and water pollution, deforestation, the ozone layer, and development vs. conservation.

3. Trade, business and economics—A project for young economists, journalists specializing in economic coverage, and possibly young public administrators. The issues under consideration will include: trade imbalances, international debt, protectionism, the recent movement toward free market economies in historically socialist societies, and ethics in business.

4. International political affairs—American organizations with resources to put together diverse, well-balanced delegations of American youth interested in politics and international issues to participate in international youth activities and to program incoming delegations of leaders of similar youth are invited to identify themselves. Two possible events are the international youth conferences in Copenhagen and Helsinki during the summer of 1990.

For additional information, write to: The Youth Exchange Staff, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: November 15, 1989.

Csaba T. Chikes,

Director, Youth Exchange Staff.

[FR Doc. 89-28145 Filed 11-30-89; 8:45 am]

BILLING CODE #230-01-M

## **DEPARTMENT OF VETERANS AFFAIRS**

### **Advisory Committee on Readjustment Problems of Vietnam Veterans; Renewal**

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Department of Veterans Affairs Advisory Committee on Readjustment Problems of Vietnam Veterans has been renewed for a two-year period beginning November 7, 1989 through November 6, 1991.

Dated: November 22, 1989.

By direction of the Secretary.

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89-28125 Filed 11-30-89; 8:45 am]

BILLING CODE 8320-01-M

### **Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting**

In accordance with Public Law 92-463, the Department of Veterans Affairs gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 "M" Street NW., Washington, DC, January 9 through January 12, 1990. The session on January 9, 1990, is scheduled to begin at 6:30 p.m. and end at 10:30 p.m. The sessions on January 10, 11, and 12, 1990, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) for the January 9 session for the discussion of administrative matters, the general status of the program, and the administrative details of the review process. On January 10-12, 1990, the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and



competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 552b (c)(6), and (c)(9)(B) and the determination of the Secretary of the Department of Veterans Affairs under sections 10(d) of Public Law 92-463 as amended by section 5(c) of Public Law 94-409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Jon Peters, Program Manager, Rehabilitation Research and Development Service, Department of Veterans Affairs Central Office, 810 Vermont Avenue NW., Washington, DC 20420 (Phone: 202-233-5177) at least five days before the meeting.

Dated: November 17, 1989.

By direction of the Secretary.

Sylvia Chavez Long,  
*Committee Management Officer.*  
[FR Doc. 89-28102 Filed 11-30-89; 8:45 am]  
BILLING CODE 8320-01-M

#### Wage Committee; Meeting

The Department of Veterans Affairs (VA) in accordance with Public Law 92-463, gives notice that meetings of the VA Wage Committee will be held on:  
Thursday, January 11, 1990, at 2:00 p.m.  
Thursday, January 25, 1990, at 2:00 p.m.  
Thursday, February 8, 1990, at 2:00 p.m.  
Thursday, February 22, 1990, at 2:00 p.m.  
Thursday, March 8, 1990, at 2:00 p.m.  
Thursday, March 22, 1990, at 2:00 p.m.

The meeting will be held in Room 300, Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Department of Veterans Affairs and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Public Law 92-463, as amended by Public Law 94-409, and as cited in 5 U.S.C. 552b(c)(2) and (4).

However, members of the public are invited to submit material in writing to the Chairperson for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairperson, VA Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: November 17, 1989.

By Direction of the Secretary.

Sylvia Chavez Long,  
*Committee Management Officer.*  
[FR Doc. 89-28103 Filed 11-30-89; 8:45 am]  
BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 54, No. 230

Friday, December 1, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, December 5, 1989, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

**Disposition of minutes of previous meetings.**

**Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.**

#### Discussion Agenda:

**Memorandum re: Amendment to the Corporation's Budget for 1989 and the Corporation's Budget for 1990.**

**Memorandum and resolution re: Proposed amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," which amendments will require insured nonmember banks which fall within specified categories to file a notice with the Corporation prior to adding or replacing a member of the board of directors or employing or changing the responsibilities of an individual to a position as a senior executive officer.**

**Memorandum and resolution re: Proposed amendments to Parts 330 and 331 of the Corporation's rules and regulations, entitled "Clarification and Definition of Deposit Insurance Coverage" and "Insurance of Trust Funds," respectively, which amendments will: (1) Restate some existing regulations so as to make them easier to understand and apply; (2) broaden the scope of the regulations to encompass a wider variety of deposit accounts offered by financial institutions and to take into account more complicated forms of deposit ownership; (3) codify longstanding staff interpretations of the Federal Deposit Insurance Act and the National Housing Act; (4) simplify the process of determining the extent to which**

**deposit accounts are entitled to deposit insurance coverage; and (5) provide answers to some of the most frequently asked questions about deposit insurance.**

**Memorandum and resolution re: Amendments to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which prohibit the acceptance or renewal of brokered deposits by any undercapitalized insured depository institution after December 7, 1989, except on specific application to and waiver of the prohibition by the Corporation.**

**Memorandum and resolution re: Final amendments to Part 335 of the Corporation's rules and regulations, entitled "Securities of Nonmember Insured Banks," which amendments revise the Corporation's securities disclosure regulations issued under The Securities Exchange Act of 1934 in order to bring them into substantial similarity with those of the Securities and Exchange Commission.**

**Memorandum and resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which amendments (1) continue the existing procedures for filing certified statements and making assessment payments for insured banks; and (2) prescribe new procedures for filing certified statements and making assessment payments for insured savings associations.**

**Memorandum and resolution re: Notice of withdrawal of proposed amendments to the Corporation's rules and regulations which would have been in the form of a new Part 354, entitled "Deposit Liabilities," and which would have proposed that certain liabilities of a bank are deposit liabilities.**

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: November 28, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-28249 Filed 11-29-89; 8:55 am]

BILLING CODE 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on December 5, 1989, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed

session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

**Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:**

**Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).**

**Note.**—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

**Reports of the Office of the Inspector General:**

**Audit Report re:**

The First State Bank, Abilene, Texas (5960) (Memo dated November 9, 1989)

**Audit Report re:**

Consolidated Financial Statements for Manning Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1987 (Memo dated October 12, 1989)

**Audit Report re:**

Consolidated Statement of Deficiency in Net Assets for Mainland, S.A., FSLIC as Receiver, and Subsidiaries as of September 30, 1988 (Memo dated October 27, 1989)

**Audit Report re:**

Financial Statements for First Savings and Loan Association of East Texas, FSLIC as Receiver, as of September 1988 (Memo dated October 27, 1989)

**Audit Report re:**

Inventory Closing Procedures, Addison Consolidated Office (Memo dated November 8, 1989)

**Audit Report re:**

Inventory Closing Procedures, Denver Consolidated Office (Memo dated November 8, 1989)



**Audit Report re:**

Denver Consolidated Office, Cost Center—  
307 (Memo dated November 8, 1989)

**Discussion Agenda:**

Application for Consent to Merge and  
Establish a Branch:

American Bank and Trust, Edmond, Oklahoma, an insured State nonmember bank, for consent to merge, under its charter and title, with Heritage National Bank, Edmond, Oklahoma, and for consent to establish the sole office of Heritage National Bank as a branch of the resultant bank.

Memorandum regarding the Corporation's corporate activities.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: November 28, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-28250 Filed 11-29-89; 11:47 am]

BILLING CODE 6714-01-M

**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** 10:00 a.m., Wednesday, December 6, 1989.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:****Summary Agenda**

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to index the low reserve tranche for transactions accounts, the reserve requirement exemption amount, and the reporting cutoff level for 1990.

2. Determination with respect to Switzerland under the Primary Dealers Act of 1988.

3. Cost of Federal Reserve notes in 1990.

**Discussion Agenda**

4. Proposed amendments to Regulation C (Home Mortgage Disclosure) to implement amendments to the Home Mortgage Disclosure Act regarding expanded coverage and additional disclosure of data concerning residential lending. (Published earlier for public comment; Docket No. R-0674)

5. Proposals regarding (a) clarifying amendments to Regulation CC (Availability of Funds and Collection of Checks); (b) Preemption determination under the regulation concerning funds availability laws of California; and (c) modifications to the Reserve Banks' notice of nonpayment service.

6. Proposed 1990 Federal Reserve Bank budgets.

7. Any item carried forward from a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 29, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89-28280 Filed 11-30-89; 11:26 am]

BILLING CODE 6210-01-M

**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** Approximately 11:30 a.m., Wednesday, December 6, 1989, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mr. Joseph R. Coyne,

Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 29, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89-28281 Filed 11-29-89; 11:26 am]

BILLING CODE 6210-01-M

**NATIONAL CREDIT UNION ADMINISTRATION****Notice of Meeting**

**TIME AND DATE:** 9:30 a.m., Thursday, December 7, 1989.

**PLACE:** Filene Board Room, 7th Floor, 1776 G Street NW., Washington, DC 20456.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. NCUSIF Insurance Premium for 1990.
6. Final Rule: Sections 701.13 and 741.2, Supervisory Committee Audits and Verifications, NCUA's Rules and Regulations.
7. Final Amendment: Part 705, Community Development Revolving Loan Program for Credit Unions, and Section 701.32, Nonmember Deposits.
8. Update on Student Credit Union Pilot Program.

**FOR MORE INFORMATION CONTACT:**

Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 89-28305 Filed 11-29-89; 2:00 pm]

BILLING CODE 7535-01-M

**NATIONAL LABOR RELATIONS BOARD**

**TIME AND DATE:** 11:00 a.m., Monday, November 20, 1989.

**PLACE:** Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, DC 20570.

**STATUS:** Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices).

**MATTERS TO BE CONSIDERED:** Personnel matters.

**CONTACT PERSON FOR MORE**

**INFORMATION:** John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC 20570, Telephone: (202) 254-9430.



Dated, Washington, DC, November 29,  
1989.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor  
Relations Board.

[FR Doc. 89-28282 Filed 11-29-89; 11:47 am]

BILLING CODE 7445-01-M



# Corrections

Federal Register

Vol. 54, No. 230

Friday, December 1, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 180, 185 and 186

[OPP-300202; FRL-3643-1]

#### Daminozide; Revocation and Amendment of Tolerances and Food Additive Regulations

##### Correction

In proposed rule document 89-21162 beginning on page 37278 in the issue of Thursday, September 7, 1989, make the following corrections:

1. On page 37278, in the first column, under **SUMMARY**, in the fourth line, "regulatory" should read "regulator".
2. On page 37279, in the second column, in the table, in the third column, in the seventh line from the bottom, "0.2" should read "2.0".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 160

[OPP-300165A; FRL-3518-2]

RIN 2070-AB68

#### Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Good Laboratory Practice Standards

##### Correction

In rule document 89-19087 beginning on page 34052 in the issue of Thursday, August 17, 1989, make the following correction:

#### § 160.31 [Corrected]

On page 34069, in the first column, in section heading § 160.31, "facility" was misspelled.

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 795 and 799

[OPTS-42100B; FRL-3627-4]

#### Tributyl Phosphate; Final Test Rule

##### Correction

In rule document 89-18850 beginning on page 33400 in the issue of Monday, August 14, 1989, make the following corrections:

1. On page 33400, in the second column, under *A. Exposure*, in the 16th line, delete the commas after "Sloane" and "Inc."
2. On page 33401, in the first column, under *B. Testing*, in the second paragraph, in the third line, "teset" should read "test".
3. On the same page, in the second column, in the first complete paragraph, in the last line, "absorption" should read "absorption".
4. On the same page, in the same column, under "3. *Oncogenicity*", in the eighth line, "efforts" should read "effects".
5. On the same page, in the third column, under "7. *Neurotoxicity*", in the seventh line, "review" was misspelled.
6. On page 33403, in the third column, in the second line, "for" should read "are".
7. On page 33406, in the first column, in the sixth line, "rats" should read "rat".
8. On the same page, in the third column, in the sixth line, "of" should read "to".
9. On page 33408, in the first column, in the second paragraph, in the 10th line from the bottom, insert "the" after "in".
10. On the same page, in the same column, under *D. Persons Required to Test*, in the third line, "proceeding" should read "processing".
11. On the same page, in the second column, in the first complete paragraph, in the eighth line, "to" should read "or".
12. On the same page, in the same column, in the fourth complete paragraph, in the first line, delete, "rule to this subject", and add "subject to this rule".

#### § 795.228 [Corrected]

13. On page 33411, in the first column, in § 795.228(a), in the first line the

second "purpose" should read "purposes".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 799

[OPTS-42099A; FRL-3645-8]

#### Methyl Ethyl Ketoxime; Final Test Rule

##### Correction

In rule document 89-21497 beginning on page 37799 in the issue of Wednesday, September 13, 1989, make the following corrections:

1. On page 37800, in the first column, under *A. Route of Administration*, in the second paragraph, in the fourth line from the bottom remove the "I" after "reproductive".
2. On page 37801, in the first column, in the third complete paragraph, in the fourth line from the bottom, "sex-relinked" should read "sex-linked".
3. On the same page, in the second column, in the first paragraph, in the 12th line, "tests" should read "testes".
4. On the same page, in the same column, in the same paragraph, in the fifth line from the bottom, "not" should be removed.
5. On the same page, in the third column, in the third complete paragraph, in the first line, "commented" should read "comments".
6. On the same page, in the same column, in the same paragraph, in the third line, "tisses" should read "tissues".
7. On page 37802, in the second column, in the second complete paragraph, in the fourth line from the bottom, "approach" should read "approach".
8. On the same page, in the third column, in the second complete paragraph, in the last line, "mutagenci" should read "mutagenic".
9. On the same page, in the same column, in the third complete paragraph, in the third line, "tests" should read "testes".
10. On page 37803, in the third column, under *B. Required Testing and Test Standards*, in the second line, "preamble" was misspelled.
11. On the same page, in the table at the bottom, in the third column, "Reporting deadline for final report", in



the sixth line, "18/17" should read "14/17".

12. On page 37804, in the second column, under *C. Test Substance*, in the third line from the bottom, "teting" should read "testing".

13. On the same page, in the third column, in the third line, "Processor" should read "Processors".

BILLING CODE 1505-01-D

#### ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62079; FRL 3638-2]

#### Asbestos-Containing Materials in Schools; EPA Approved Courses and Accredited Laboratories Under the Asbestos Hazard Emergency Response Act (AHERA)

##### Correction

In notice document 89-20575 beginning on page 36166 in the issue of Thursday, August 31, 1989, make the following correction:

On page 36168, in the second column, in the first complete paragraph, in the fourth line from the bottom, "Eighteen" should read "Fifteen".

BILLING CODE 1505-01-D

#### FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-330; RM-6210, RM-6304, RM-6473]

#### Radio Broadcasting Services; Gadsden, Holly Pond, and Attalla, AL

##### Correction

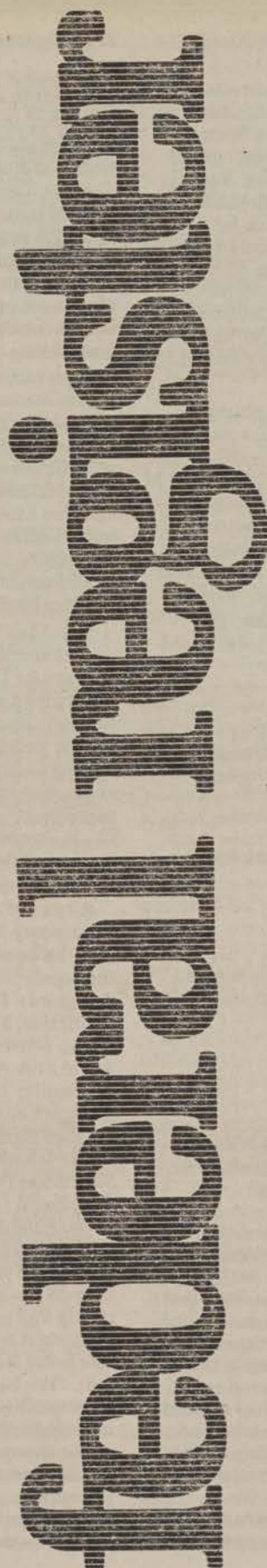
Rule document 89-26639 beginning on page 47361 in the issue of Tuesday, November 14, 1989, was published incorrectly as a proposed rule in the rule section.

BILLING CODE 1505-01-D









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Friday  
December 1, 1989

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## Part II

# Environmental Protection Agency

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40 CFR Part 35

Technical Assistance Grants to Groups  
at National Priorities List Sites;  
Amendments to Interim Final Rule



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 35

[FRL-3555-9]

### Technical Assistance Grants to Groups at National Priorities List Sites

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Amendments to the interim final rule with request for comments.

**SUMMARY:** Pursuant to section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9617(e), the Environmental Protection Agency (EPA or the Agency) published in the *Federal Register* on March 24, 1988 (53 FR 9736) an Interim Final Rule (IFR) for the Technical Assistance Grant Program. The IFR detailed the specific requirements for citizens' group to obtain technical assistance grants. EPA stated that publication of the rule as an IFR with an immediate effective date allowed the Agency to begin accepting applications from citizens' groups for financial assistance without delay, while simultaneously accepting comments on, and developing the Final Rule.

Today EPA is publishing amendments to the IFR regarding the Technical Assistance Grant Program in order to foster greater participation of citizens' groups in the grant program. The Agency has benefitted from its early experience with the grant program and the public comments on the IFR and has decided to make immediate changes to the program. Thus, EPA has determined that publication of amendments to the IFR at this time will help streamline the grant award process while allowing the Agency the opportunity to continue to evaluate the Technical Assistance Grant Program, to accept public comments on the amendments to the IFR, and to proceed with the development of the Final Rule.

**DATES:** *Effective Date:* December 1, 1989.

*Comments:* Written comments must be submitted on or before January 30, 1990.

**ADDRESSES:** Written comments must be submitted to: Superfund Docket Clerk, Office of Emergency and Remedial Response (OS-240), Room M 2447, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments on today's amendments to the IFR must identify the regulatory docket as follows: "Docket CERCLA

117(e), Technical Assistance Grant Regulation."

**Docket:** Copies of materials relevant to this rulemaking are contained in the Superfund docket located on the second floor of the Mall (Room M 2447) at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket is available for inspection by appointment only between the hours of 9 a.m. and 4 p.m. Monday through Friday, excluding Federal holidays. The docket phone number is (202) 382-3046. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

**FOR FURTHER INFORMATION CONTACT:** Murray Newton, Office of Emergency and Remedial Response, OS-220, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 at (202) 382-2460 or the RCRA/Superfund Hotline from 8:30 a.m. to 7:30 p.m., Monday-Friday, toll free at 1-(800)-424-9346 or in Washington, DC at 382-3000.

**SUPPLEMENTARY INFORMATION:** The contents of today's preamble are listed in the following outline:

- I. Introduction
  - A. Authority
  - B. Background of the Rulemaking
- II. Responses to Major Public Comments on Issues Being Reconsidered in the Amendments to the IFR
  - A. The 35 Percent Matching Funds Requirement
  - B. The 15 Percent Cap on Administrative Costs
  - C. Incorporation
  - D. Language Clarification
- III. Existing Grants
- IV. Regulatory Analyses
  - A. Regulatory Impact Analysis
  - B. Regulatory Flexibility Analysis
  - C. Paperwork Reduction Act
- V. Supporting Information

#### I. Introduction

##### A. Authority

These amendments to the IFR are issued under the authority of section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, hereinafter cited as CERCLA, 42 U.S.C. 9617(e). Section 117(e) authorizes the President to make available technical assistance grants of up to \$50,000 to groups of individuals to obtain assistance in interpreting information related to Superfund sites. Section 117(e) requires the President to promulgate rules for issuing these grants before processing any grant applications. Executive Order No. 12580 delegated to EPA the authority to implement section 117(e) in consultation with the Attorney General.

#### B. Background of the Rulemaking

As background to this rulemaking, pursuant to section 117(e), EPA published in the June 10, 1987 *Federal Register* (52 FR 22244) an Advance Notice of Rulemaking (ANRM) which discussed and solicited comments on several issues and various approaches that EPA was considering for accepting and evaluating applications, and for awarding and managing technical assistance grants. EPA stated that it would consider those comments in formulating the IFR.

After careful consideration of the public comments on the ANRM, EPA published the IFR in the March 24, 1988 *Federal Register*. The IFR detailed the specific requirements for obtaining technical assistance grants. The IFR enabled EPA to issue grants immediately while continuing to receive comments that the Agency stated that it would consider in the development of the Final Rule.

The Agency has benefitted from its early experience with the Technical Assistance Grant Program and has determined that certain changes need to be made immediately while the Final Rule is being developed. The Agency is issuing today amendments to the IFR to encourage more citizens' groups to participate in the Technical Assistance Grant Program and to elicit further input by the public into the development of the Final Rule.

A total of 42 comments were received in response to the IFR. Approximately two-thirds of the commenters stated that the regulations made the Technical Assistance Grant Program overly restrictive. This view was also reflected in two letters from members of Congress to the EPA Administrator: one dated September 15, 1988 signed by 10 Senators and another letter dated June 10, 1988 signed by 49 Representatives. These letters have been submitted to the Superfund Docket and are now part of the official record for the development of the Final Rule. The letter from the 49 Representatives expressed the view that the IFR, as written, would "significantly impede the ability of citizens to receive grants and use the funds in ways consistent with the intent of Congress." The letter from the 10 Senators stated that, "We believe that most 'Superfund Communities' will find the program unnecessarily difficult to use unless major changes are made to these regulations. The current regulations: (1) Discourage groups from applying; (2) unnecessarily complicate the already difficult task of obtaining a technical



advisor(s); and (3) excessively restrict the uses of the Fund."

Moreover, since publication of the IFR, the Agency has learned through experience implementing the program that certain requirements of the IFR tend to dissuade citizens' groups from applying for technical assistance grants. This experience supports the statements made by the formal commenters that the Technical Assistance Grant Program is, in their view, overly restrictive and, therefore, citizens' groups are discouraged from submitting applications.

Therefore, as a result of EPA's internal review of the program, public comments, and program experience, the Agency has concluded that certain immediate changes to the IFR need to be made. The Agency believes that these changes will promote greater participation of citizens' groups in the grant program and facilitate the use of technical assistance grants at Superfund sites. Today EPA is amending the following sections of the IFR with this rule: (a) the 35 percent match required of recipient groups as discussed in § 35.4085(a); (b) the 15 percent cap on administrative costs as set forth in § 35.4085(e); and (c) the requirement for incorporation as discussed in § 35.4020.

It should also be noted that elsewhere in the March 24, 1988 Federal Register (53 FR 9753), EPA published an Advance Notice of Rulemaking (ANRM) to solicit comments from the public on a proposal to provide technical assistance grant applications and/or recipients with the services of an Administrative Services Contractor (ASC). It was stated that these services could include both assistance in preparing grant applications and the procurement of technical assistance, and contract management.

In light of the negative public comments, the Agency has decided not to pursue the ASC concept further. As an assistance alternative, the Agency has provided additional personnel, through its Senior Environmental Employees (SEE) Program, to assist the EPA Regional Offices in administering the Technical Assistance Grant Program. With the addition of SEE Program employees, the EPA Regional Offices are able to provide more assistance to citizens' groups than they would otherwise.

## II. Responses to Major Public Comments on Issues Being Reconsidered in the Amendments to the IFR

The Agency received comments from a wide range of interested parties, including State and Federal legislators, lawyers, consultants, academicians,

national and State environmental groups, State agencies, political subdivisions of a State, community groups and industry. The issues under consideration in today's rulemaking that were addressed by these commenters and EPA's responses to them are described below.

### A. The 35 Percent Matching Funds Requirement

Section 117(e)(2) of CERCLA states that "[e]ach grant recipient shall be required, as a condition of the grant, to contribute at least 20 percent of the total costs of the technical assistance for which such grant is made. The President may waive the 20 percent contribution requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the selection of remedial action at the facility."

The Agency stated at 53 FR 9743 that this language clearly expressed the intent of Congress that the affected community's ability to pay should affect the size of the match for the technical assistance grant. In the IFR, EPA set the matching funds requirement at a figure of 35 percent of total project costs. EPA invited comments on how to develop a workable system for determining the matching share based on financial need and other factors for inclusion in the Final Rule.

However, EPA believes that the 35 percent matching funds requirement has been an impediment to citizens' groups applying for technical assistance grants and that a reduction in the matching funds requirement will encourage formerly reluctant groups to apply. The Agency has arrived at this conclusion based on the following.

Every commenter who addressed this issue stated that the 35 percent matching funds requirement is excessive. Several recommended that it be set at 20 percent; while others suggested that even 20 percent would be difficult for citizens' groups to raise and offered variations. Some suggested a lenient waiver policy instead.

Several members of Congress expressed the same concerns. For example, the September 15, 1988, letter of the 10 Senators stated that "[T]he 35 percent match required of recipient groups is excessive. The figure must be lowered to 20 percent, which is the minimum level specified in the law."

EPA's experience with the program, public comments, and comments from EPA Regional personnel indicate that the 35 percent matching funds requirement has served as an impediment to citizens' groups applying for a technical assistance grant,

especially those groups with few financial resources—the very groups that the grant program was designed to help. Even citizens' groups from more affluent communities have had trouble raising the 35 percent "match" of the total project costs. For example, for a \$50,000 grant, which would amount to 65 percent of the total project funds, citizens' groups were required to provide the remaining \$26,923 (\$50,000 of Federal funds represents 65 percent of the total project funds—or \$76,923—which would require a 35 percent "match" of \$26,923 from the grant recipient in cash or in-kind contributions).

In today's amendments to the IFR, the Agency has determined that each grant recipient must contribute 20 percent, instead of 35 percent, of the total project costs. For example, with a \$50,000 grant, which would amount to 80 percent of the total project funds, citizens' groups will be required to provide the remaining \$12,500. (\$50,000 of Federal funds represents 80 percent of the total project funds—or \$62,500—which would require a 20 percent "match" of \$12,500 from the grant recipient in cash or in-kind contributions.)

### B. The 15 Percent Cap on Administrative Costs

In formulating the IFR, the Agency was concerned with the purposes for which technical assistance grant funds would be used. The Agency, for example, stated in the Preamble to the IFR at 53 FR 9743 that "In order to ensure the best use of limited technical assistance grant funds, costs of administering the grant are allowable to the extent that they do not exceed 15 percent of total project costs."

The Agency continues to be concerned with the uses of technical assistance grant funds but has determined, based upon experience and public comment, that most of the eligible goods and services for in-kind contributions fall within the administrative category. Citizens' groups tend to be able to meet the administrative portion of the matching funds requirement but have had difficulty in meeting the non-administrative portion. EPA has, therefore, concluded that the elimination of the 15 percent cap on administrative costs will enable citizens' groups to meet their matching funds requirement without having to ask for a waiver of the remaining 5 percent. The Agency believes that this will encourage greater participation of citizens' groups in the Technical Assistance Grant Program.



### C. Incorporation

In formulating the IFR, the Agency determined that each grant recipient must be incorporated as a non-profit organization for the purpose of addressing the Superfund site for which the grant was provided in order to receive a technical assistance grant. In the Preamble to the IFR at 53 FR 9740, the Agency stated that EPA's analysis concluded that incorporation offers advantages to both recipients and EPA, and does so at relatively little cost to both.

As set forth at § 35.4020(b) of the IFR, the citizens' group receiving a technical assistance grant must be a non-profit corporation that includes all the individuals and groups that joined in applying for the grant and was incorporated for the purpose of addressing the Superfund site for which the grant was to be awarded. At the time of the award, a recipient must either be incorporated or demonstrate that it has taken all necessary and appropriate actions to incorporate. Thus, applicants are not required to be incorporated at the time that the application is submitted; only recipients of technical assistance grant awards must be incorporated. However, the recipient must submit proof that the group had been incorporated by the State no later than the time of the group's first request for reimbursement for costs incurred.

The Agency has considered further those situations where the existing regulation requires an incorporated group to reincorporate for the purposes of the Technical Assistance Grant Program. Several commenters suggested this requirement could be overly restrictive in some circumstances.

The Agency has determined that in situations where a group is already incorporated with a broader mandate than addressing the site and has a substantial history of involvement at the site, the group need not reincorporate for the purpose of addressing the problems at a Superfund site. The IFR is, therefore, amended to permit a grant to an incorporated group having a history of substantial involvement at the site and if the corporation includes all the individuals and groups that joined in applying for the grant.

### D. Language Clarification

Section 35.4035 of the IFR set out the evaluation criteria EPA will use in reviewing tag applications. One of the five criteria is representation of the groups and individuals affected by the site. Commenters have asked for clarification of what the Agency

considers to be a "representative" group.

The Agency's intent is to make technical assistance available to a broad range of affected individuals in the community. This would include residents, other property owners, recreational and environmental interest groups, and any others (except, of course, potentially responsible parties, who are ineligible under § 35.4030) who believe their health, property values, recreation, local ecological balance, or aesthetic appreciation of their community to be diminished by the site. EPA believes that groups promoting a single interest (e.g., economic, environmental, or societal) to the exclusion of other interests do not represent the full range of community interests. Such groups exclude community members who are legitimately affected by the site, but who do not necessarily support the views of mission of the interest group. Accordingly, EPA will give preference to groups representing a diversity of community interests which require objective information from independent advisors to understand how the site and the cleanup activities affect their well-being.

The Agency stated in the Preamble to the IFR at 53 FR 9743 that "[C]osts associated with disputes with the Agency or challenges to final Agency decisions (e.g., Records of Decisions) are not allowable since this also would be inconsistent with Congressional intent of 'interpreting information'."

The IFR at § 35.4055(a)(7) prohibits the use of technical assistance grant funds for "conducting disputes with the Agency." This phrasing has been misconstrued as requiring technical assistance grant recipients to agree with EPA on every issue and decision. In fact, the provision is not meant to inhibit citizens from disagreeing with the Agency on any issue. It does mean, however, that if a citizens' group is in a dispute with the Agency as to whether it has managed its grant properly, technical assistance grant funds may not be used during the formal dispute resolution process outlined in 40 CFR Part 30, Subpart L. For example, should the Agency determine that a certain cost for which the citizens' group seeks reimbursement is an unallowable cost under the technical assistance grant agreement, the citizens' group could not use technical assistance grant funds to cover the preparation or processing of costs to appeal that decision under subpart L of the Agency's grant regulations.

The language regarding "challenges to final Agency decisions" nevertheless

apparently has been misinterpreted. The IFR at § 35.4055(a)(7) prohibits the use of technical assistance grant funds to reopen final Agency decisions. Once a Record of Decision (ROD) is signed, for example or a design plan is final, grant funds cannot ordinarily be used to challenge that decision or plan, but must be spent on the next phase of the process. By limiting the use of technical assistance grant funds in this manner, however, the Agency is not seeking to constrain technical assistance grant recipients from expressing their disagreements with or opposition to any Agency action or decision. On the contrary, the Agency recognizes the importance of informed comment from citizens' groups and the need for citizens to be well-informed at the sites. However, the process of cleaning up a Superfund site requires detailed technical studies of site conditions and wastes, analysis of methods, and techniques for remediation over an extended period of time. The Records of Decision are culminations of these efforts and revisiting settled issues and past decisions is not a cost effective use of limited technical assistance grant funds for citizens' groups. However, if the Agency or a court officially reopens a Record of Decision, or formally requests comments on it, then the grant money can be used to review appropriate documents.

The Agency stated at § 35.4090(b) of the IFR that "Waivers of the matching funds requirement will only be granted in exceptional cases." Some readers have mistakenly understood this to be an independent requirement for a waiver, erroneously believing that they had to meet this standard in addition to the three criteria listed in § 35.4090(b). In fact, waivers can be granted whenever the three requirements at § 35.4090(b) are met. The Agency has concluded that the reference to "exceptional cases" should be eliminated and has amended § 35.4095(b) accordingly.

### III. Existing Grants

Citizen groups that have received technical assistance grants with a matching funds requirement of greater than 20 percent or an administrative cap of 15 percent may seek an amendment of their grants. Those citizens' groups should contact the appropriate EPA Regional Office.

### IV. Regulatory Analyses

#### A. Regulatory Impact Analysis

Executive Order No. 12291 requires that regulations be classified as "major" or "non-major" for purposes of review



by the Office of Management and Budget (OMB). According to Executive Order No. 12291, "major" rules are regulations that are likely to result in:

- (1) An annual adverse (cost) effect on the economy of \$100 million or more; or
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government, or geographical regions; or
- (3) Significant adverse effects on the competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The IFR for the Technical Assistance Grant Program is a "non-major" rule, therefore these amendments are considered "non-major." The amendments would have no significant annual adverse effect on the economy of \$100 million or more; or a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

#### B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 requires that Agencies evaluate the effects of a rule for three types of small entities:

- (1) Small businesses (as defined in the Small Business Administration regulations);
- (2) Small organizations (independently owned, nondominant in their field, non-profit); and
- (3) Small government jurisdictions (serving communities of less than 5,000 people).

EPA has consistently considered the interests of small non-profit entities in designing the Technical Assistance Grant Program. Today EPA is amending the IFR to encourage small entities to apply. And, for some applicants the Agency may waive the matching funds requirement.

Since today's rule is not expected to have a significant impact on small non-profit entities, EPA certifies that no Regulatory Flexibility Analysis is necessary.

#### C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the *Paperwork Reduction Act*, U.S.C. 3501 *et seq.* and have been assigned OMB control number 2030-

0020 for activities involving the grant application process, and 2050-0083 for activities specifically related to the rule.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden the Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503, marked "Attention, Desk Officer for EPA."

#### V. Supporting Information

##### List of Subjects in 40 CFR Part 35

Grant programs—environmental protection, Matching funds, Public involvement, Reporting and recordkeeping requirements, Hazardous wastes, Superfund.

Dated: November 27, 1989.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble, Title 40, Chapter I, of the Code of Federal Regulations is amended as follows:

#### PART 35—[AMENDED]

##### Subpart M—Grants for Technical Assistance

1. The authority citation for subpart M continues to read as follows:

Authority: 42 U.S.C. 9617(e); sec. 9(g), E.O. 12580.

2. Section 35.4020 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

##### § 35.4020 Responsibility requirements.

(b) Each recipient of a technical assistance grant must be incorporated as a non-profit organization for the purpose of addressing the Superfund site for which the grant is provided in order to receive a grant, except as provided in paragraph (c) of this section. At the time of award, a recipient must either be incorporated or must demonstrate to EPA that the group has filed the necessary documents for incorporation

with the appropriate State agency. No later than the time of the first request for reimbursement for costs incurred, a recipient must submit proof that the group has been incorporated by the State.

(c) Unless a consolidation agreement makes site-specific incorporation necessary, a previously incorporated group that includes all the individuals and groups that joined in applying for the technical assistance grant shall not be required to incorporate for the specific purpose of representing affected individuals at the site provided that the group can demonstrate that it has a substantial history of involvement at the site.

3. Section 35.4030 is amended by revising paragraph (a)(2) to read as follows:

##### § 35.4030 Ineligible applicants.

(a) \* \* \*

(2) Corporations that are not incorporated for the specific purpose of representing affected individuals at the site except as provided in § 35.4020(c);

\* \* \* \* \*

4. Section 35.4055 is amended by revising paragraphs (a)(1) and (a)(7) to read as follows:

##### § 35.4055 Ineligible activities.

(a) \* \* \*

(1) Litigation or underwriting legal actions such as paying for attorney fees or paying for the time of the technical advisor to assist an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding regarding or affecting the site;

\* \* \* \* \*

(7) Reopening final Agency decisions such as the Records of Decision or conducting disputes with the Agency in accordance with its dispute resolution procedures set forth at 40 CFR Part 30, Subpart L.

5. Section 35.4085 is amended by revising paragraph (a) introductory text and removing paragraph (e) to read as follows:

##### § 35.4085 Grant limitations.

\* \* \* \* \*

(a) The recipient must contribute 20 percent of the total costs of the technical assistance grant project, except as provided in § 35.4095(b) of this regulation.

\* \* \* \* \*

6. Section 35.4090 is amended by revising paragraph (b) introductory text to read as follows:



**§ 35.4090 Waivers.**

\* \* \* \* \*

(b) Waivers of the matching funds requirement will be granted only when it is established that the grant recipient cannot meet the matching funds requirement. The Agency may waive all or part of the recipient's matching funds requirement only after a finding by the Agency that:

\* \* \* \* \*

[FR Doc. 89-28143 Filed 11-30-89; 8:45 am]

BILLING CODE 6560-50-M



# 49 CFR Part 40

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Friday  
December 1, 1989

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## Part III

## Department of Transportation

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Office of the Secretary

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49 CFR Part 40

Procedures for Transportation Workplace  
Drug Testing Programs; Final Rule and  
Notice of Conference



## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 49 CFR Part 40

[Docket No. 45928; Notice No. 2]

RIN 2105-AB42

## Procedures for Transportation Workplace Drug Testing Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

**SUMMARY:** The Department of Transportation is adopting a final rule concerning testing procedures applicable to drug testing programs the Department requires in six transportation industries. The final rule incorporates modifications in response to comments on the Department's November 21, 1988, interim final rule on the same subject.

**EFFECTIVE DATES:** This rule is effective January 2, 1990, except that § 40.31(d) is effective May 30, 1990 for employers with fewer than 2000 covered employees. Compliance with all portions of this rule is authorized immediately.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, (202-366-9306).

**SUPPLEMENTARY INFORMATION:** On November 21, 1988 (53 FR 47002), the Department published an interim final rule establishing drug testing procedures applicable to drug testing for transportation employees under six Department of Transportation regulations. These six regulations were published on that same date by the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, United States Coast Guard, Urban Mass Transportation Administration, and Research and Special Programs Administration. The interim final rule (49 CFR part 40) followed closely the Department of Health and Human Services (DHHS) regulation entitled "Mandatory Guidelines for Federal Workplace Drug Testing Programs."

The "DHHS Guidelines," as this document is known, were published in the *Federal Register* on April 11, 1988 (53 FR 11970). They were based on a notice of proposed rulemaking (NPRM) published August 14, 1987, by DHHS, and on comments to that NPRM. The DHHS Guidelines include procedures for collecting urine samples for drug testing, procedures for transmitting the samples

to testing laboratories, testing procedures, procedures for evaluating test results, quality control measures applicable to the laboratories, recordkeeping and reporting requirements, and standards and procedures for DHHS certification of drug testing laboratories. The intent of the Guidelines is to safeguard the accuracy and integrity of test results and the privacy of individuals who are tested. The interim final rule modified some provisions of the DHHS Guidelines in order to adapt the Guidelines to the circumstances of transportation industries.

DHHS has informed DOT that, beginning with a November 29-December 1, 1989, conference, it is engaging in a consensus process concerning its testing guidelines and laboratory certification procedures. This effort will include consideration of many of the issues raised in this rulemaking. DOT will participate in this process. Should revisions in the DHHS Guidelines result from this process, DOT could initiate rulemaking to make this Part consistent with those changes. This does not mean that we have plans to change these rules but, rather, that they are not static, and that we intend to keep up with the state of the art in testing procedures.

The Department received over 80 comments on the interim final rule itself. In addition, the Department has incorporated into the docket for the interim final rule and reviewed comments on the NPRMs for the six operating administration drug testing rules that pertain to the DHHS Guidelines and testing procedure issues. This final rule and preamble respond to all these comments.

## Response to Comments

## 1. Testing for Additional Drugs

The interim final rule requires employers to test for five drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). Generally speaking, if employers wish to test for drugs other than these five, the interim final rule requires them to take a second, separate sample for this purpose. The "DOT sample" may not be used for this or other purposes.

A number of comments objected to this provision, noting that other substances (e.g., barbiturates, benzodiazepines, alcohol) are abused and can cause safety problems. Some comments said that employers were already testing for these additional substances (often stating that they tested for nine or ten drugs currently), and that the rule would either make

them scale back existing programs or increase their testing costs. Under the approach that most of these comments appeared to favor, an employer, where its authority to do so was not otherwise constrained (e.g., by state law or union contract), could ask the laboratory to test the "DOT sample" for any additional substances the employer chose.

When the Federal government requires an employer to conduct drug tests, it seems clear from court decisions that the fourth amendment applies to the testing that the employer conducts in response to the Federal requirement. Fourth amendment considerations would arguably apply to any testing resulting from a urine sample collection required by the Federal government, including discretionary employer testing piggybacked onto the DOT-mandated collection. The employers' discretionary testing would also probably be reviewed by the courts as part of the courts' consideration of the overall validity of DOT drug testing rules.

In determining whether a testing requirement passes fourth amendment muster, courts typically have tried to balance governmental interests underlying the testing requirement and the privacy interests of employees. One of the factors examined by the courts in determining the strength of the governmental interest is the safety necessity of testing. Another factor examined is the extent to which testing procedures protect the privacy interest of employees, thereby limiting the intrusion on rights protected by the fourth amendment.

Courts have upheld Federally-mandated drug testing for the five drugs under the DHHS Guidelines (see for instance *Skinner v. Railway Labor Executives Association*, 109 S.Ct. 1402 (1989)). Testing for additional drugs increases the privacy intrusion of testing. Therefore, a change in this respect may make court approval of DOT-required testing more difficult.

DHHS-approved testing protocols and positive thresholds for drugs beyond the five for which testing is now required do not exist. DHHS certification of laboratories does not extend to testing of any of the additional drugs. Consequently, the uniform standards crucial to the accuracy and integrity of the testing process, which courts have relied upon in upholding Federally-required drug testing, are not now in place for the additional drugs. This absence of uniform standards could also make defense of the DOT regulations in court more difficult.



There are also unresolved practical problems that could result from DOT permitting employers to use the "DOT sample" to test for additional drugs. Many of the additional substances commenters expressed a desire to test for are widely available as prescription drugs (e.g., barbiturates). The Medical Review Officer's task in determining whether the drug use indicated by the test is legitimate (and hence not a verified positive) is likely to be significantly more difficult in dealing with legal prescription drugs. The use of DOT-mandated tests to discover the presence of a variety of legal prescription drugs, and therefore to permit employer inferences about otherwise confidential medical conditions, could not easily be prevented.

For these reasons, the Department believes that it is inadvisable, at this time, to grant employers the discretion to test the "DOT sample" for additional drugs. As under the interim final rule, employers wishing to test for substances other than the five drugs for which testing is mandatory must do so using a second, separate sample. This means, in practice, that the employer would have to direct an employee to go to the collection site, do the DOT collection (including providing the sample and completing the paperwork), and then (either at that time or a subsequent time) return to the collection site and provide the "employer sample." In no case, under DOT regulations, would it be proper for the employer to direct the employee to fill one container and then pour off the urine into separate "DOT" and "employer" collections. Nor would it be appropriate for the employer to retain any "surplus" urine in excess of the 60 ml "DOT sample" to be used for the employer's purposes. These approaches would use the DOT-mandated collection to acquire urine to be used to test for additional drugs or for other purposes, and would raise the whole set of concerns that lie behind the Department's decision on the additional drugs issue.

At the same time, the Department is well aware of the costs and administrative burdens implicit in the "second, separate sample" approach. The concerns of employers who wish to test employees for other drugs which may impair safety are legitimate. Consequently, the Department will consider additional rulemaking to deal with all aspects of this problem. Such a rulemaking would be intended to explore means of responding to employers' concerns that would avoid or mitigate the problems we see with

permitting employers to test for additional drugs, including the identification of appropriate additional drugs for which testing is warranted and the establishment of appropriate testing protocols for those drugs. The Department will also continue its contacts with DHHS and the Department of Justice in an attempt to determine if a resolution of this problem can be reached that can overcome current practical and legal obstacles.

## 2. Laboratory Issues

a. *Use of laboratories not certified by DHHS.* Comments suggested that the requirement to use only laboratories certified by DHHS be eliminated. In the alternative, comments suggested that laboratories certified for drug testing by the College of American Pathologists (CAP) or other recognized state or private certifying agencies could also be used, at least in some circumstances (e.g., screening tests, tests at remote sites), if not across the board. Comments cited the cost of the DHHS certification process and a concern about the available capacity of DHHS-certified labs as reasons for this request, as well as asserting that other certification programs (e.g. that operated by CAP) were equivalent to the DHHS system. In addition, comments mentioned satisfactory, existing relationships between labs and employers, which neither wanted to sever. Some comments asked for a transition mechanism to permit labs to complete the DHHS certification process without having to sever existing relationships with transportation employers.

The Department continues to believe that the DHHS certification mechanism is the best guarantee of error-free drug testing available. Its requirements are more stringent, and its inspection and quality control measures more thorough, than any other existing certification mechanism. This not to say that other certification systems, such as that of the CAP, are necessarily inadequate, only that in a program dependent for its success on the unerring accuracy of lab work, the Department is justified in insisting on the highest available standards. These standards have been recognized in court cases upholding Federal drug testing programs. To the extent, in the future, that other certification programs are recognized as equivalent by DHHS, to whose expertise the Department gives substantial deference, the Department can consider at that time permitting laboratories certified under those programs to participate.

At present, DHHS has certified 37 laboratories, which DHHS estimates to

have an annual capacity of over 20 million tests. DHHS expects to certify a number of additional laboratories by year's end. This should provide capacity well in excess of that needed for all testing required under DOT rules (which by 1991, is projected to result in 3-6 million tests per year).

We recognize that some laboratories that currently conduct drug testing for transportation companies may choose not to seek DHHS certification, for reasons including costs. Such laboratories could lose some existing business. However, the Department believes that this situation does not warrant eliminating the requirement for DHHS certification, which would have serious adverse consequences for the Department's entire drug testing effort.

b. *On-site testing.* Some employers, particularly in the maritime industry, asked that the rules allow on-site testing. That is, rather than sending the initial screen test to a DHHS-approved lab for analysis, the employer would use a screen test, the result of which could be read at the collections site. If the screen test were negative, the individual would start or continue to work. If it were positive, the individual would be kept from working in a safety-sensitive position until and unless a laboratory or MRO declared the test negative. (Some employers said they would continue to pay an employee in the interim.) The advantages claimed for this approach are that it allows a quick turnaround of results, is helpful in avoiding disruptions in operations, and that it reduces the likelihood of drug users actually performing safety-sensitive functions.

In the Department's view, these claimed advantages are outweighed by the problems involved with on-site testing. With on-site testing, particularly if testing technicians have not been extensively trained, error rates are likely to be considerably higher than for tests conducted in DHHS-approved laboratories. These error rates include substantially more false negatives as well as more false positives, meaning that on-site testing could result in inadvertently allowing drug users to work in safety-sensitive jobs (since negatives would not be sent for confirmation tests). The protection for employees afforded by use of a DHHS-certified lab (indeed, any lab at all) is wholly absent at the screening test level. Nor have the comments' assertions persuaded the Department that unreasonable costs or delays will result from using DHHS-certified laboratories for testing.

With on-site testing, an employee or applicant may be deprived of an



opportunity to work and may be stigmatized as a drug user based on a less accurate type of test with fewer protections. For an employer to promise back pay, or continuing pay, to an employee while a confirmation is pending is well and good, but it is not a complete answer. It does not deal with the very real career impact of even a temporary identification of someone as a drug user and (especially in the quick turnaround situations emphasized by maritime commenters) does not address the lost job opportunities of applicants.

The Department must balance the sometimes competing, legitimate interests of both the employers and the employees its rules affect. By allowing on-site testing, we would shift the balance too far away from the employees' concerns. Like other testing procedure issues, on-site testing is likely to be discussed in the DHHS consensus process.

*c. Other comments.* One comment suggested that DOT or the labs themselves should notify their DOT-regulated clients if DHHS suspends or terminates their certification. We believe that it is not necessary to make this suggestion a regulatory requirement. However, in the event that a laboratory does lose its certification, we believe that the laboratory should notify its clients of the fact. Should laboratories fail to do so, the Department can consider, at a future time, adding a regulatory provision to this effect.

Comments suggested that all employers should be required to conduct laboratory inspections, either directly or through a neutral third party. We believe that adding such a requirement is unnecessary, in light of the extensive DHHS certification process. It would also be unduly burdensome, not only to employers (especially to small employers) but also to laboratories, whose operations could be disrupted by "inspectors" representing hundreds of employers walking through their facilities.

One comment suggested two levels of certification: one for performing screening tests and the other for performing confirmation tests. This comment dovetails with comments suggesting that a local laboratory should be allowed to perform the screening test and then send positive screens to a DHHS-approved lab for certification. On the other hand, another comment suggested that no subcontracting be allowed. In the Department's view, the existing provision (all testing of a particular specimen must be done within a single DHHS-approved lab, but one DHHS-lab can subcontract a portion of an employer's testing contract to

another DHHS-certified facility) remains a good middle ground among these positions. The existing rule maintains laboratory quality and accuracy by insisting on full DHHS certification, and avoids chain of custody complications by requiring all work on a specimen to take place within one lab facility. At the same time, it permits some flexibility for employers who may wish a "master contract" with one lab but who find it convenient to have samples processed in various parts of the country.

One comment suggested authorizing union participation in laboratory inspections. The Department believes that union participation in the inspection process is best left to the collective bargaining process. Where labor and management agree to include representatives of both in an inspection, nothing in the regulation would stand in the way.

### 3. Blind Testing

The interim final rule required blind testing at the levels specified in the DHHS guidelines (a number equivalent to 50 percent of tests submitted in the first 90 days, up to 500; ten percent of samples in each succeeding quarter, up to 250) for all employers who would submit 1000 samples or more a year. Employers who would submit fewer than 1000 samples per year would not have to submit blind samples, if they used a laboratory to which someone else (e.g., a Federal agency, another DOT-regulated employer) submitted blind samples.

A substantial number of comments, citing what they viewed as the trouble and high expense of submitting blind samples, said that employers should never have to submit these samples. It was sufficient, in this view, to rely on the DHHS certification process. Other commenters suggested reducing the number of blind samples submitted, either by using a lower percentage (e.g., between one and five percent) or a small absolute number of specimens (e.g., between two and eight per quarter). Still other comments, to the contrary, suggested that all employers should submit blind samples, lest laboratories treat samples from a particular employer with less care because that employer is known not to submit blind samples.

The Department believes that blind sampling is an important quality control measure. Blind testing does not duplicate DHHS certification measures; it is over and above those measures. In addition to its function as a quality control technique to make sure that labs stay sharp, it tests the entire collection process. Consequently, while the

Department is aware of the cost implications of blind testing, we do not believe that it would be a good idea to eliminate the requirement that employers submit blind samples. (It should be noted that blind sample costs appear to be getting lower, with a number of suppliers having informed DHHS that they plan to provide samples for between \$10 and \$20 each.)

However, after consulting with DHHS, we believe that the quality control objectives of blind testing can be achieved with fewer blind samples. Moreover, we believe that the administration of blind sampling can be simplified by dropping the two-tier (first vs. subsequent quarters) approach of the interim final rule and by expressing the blind sampling rate as three blind samples per 100 employee specimens, rather than as a percentage. This means that, over whatever period of time it takes for an employer to submit 100 employee specimens (whether a week or a number of years), the employer would submit three blind samples.

An employer would not have to submit more than 100 blind samples in any calendar quarter. This is a high maximum; an employer would have to be submitting over 3300 employee specimens in a quarter to reach this level. A DOT agency could raise the maximum in a case when a party (e.g., a very large consortium having several major employers as members) would submit an unusually large number of specimens. This authority would be used only rarely, in all likelihood.

With respect to smaller employers, the Department remains reluctant to impose additional financial burdens. Nevertheless, we believe that there is merit in the contention that the knowledge that even small employers will submit some blind samples is an important quality control measure that will deter potential carelessness on the part of laboratories and help employers discover problems in the processing of samples. Consequently, the Department will require all employers to submit blind samples at the three per 100 specimen rate. In submitting blind samples, smaller employers (those with fewer than 2000 covered employees) could submit all blanks or submit two separately labeled portions of a specimen from the same non-covered employee to make sure that the analyses were the same. These approaches would allow smaller employers to minimize costs. In addition, since employers with fewer than 2000 employees who are scheduled to begin testing in December 1989 or early 1990 will have had short notice of having to do blind testing,



these blind testing requirements will not go into effect for them until 180 days from the date this rule is published. This "grace period" will allow these employers time to make arrangements for blind testing.

When a consortium submits blind samples, it does so collectively on behalf of all its members. The individual members would not need to submit any blind samples independently. The consortium would submit three blind samples for every 100 samples it submitted on the collective behalf of its members.

#### 4. Positive Levels

Several comments requested that the regulation provide more stringent positive levels for one or more drugs. Marijuana was the drug most often mentioned in this connection. There were a number of suggestions for a screen positive level of 20 nanograms per milliliter (ng/ml), with a confirmation level of 10 ng/ml. (The interim final rule called for 100 and 15 ng/ml for screen and confirmation levels, respectively). Other suggestions included lowering the amphetamines screen and confirmation levels from 1000 and 500 ng/ml, respectively, to 500 and 300 ng/ml. One comment suggested a 150 ng/ml screen level for cocaine (the interim final rule established 300 ng/ml for this purpose). The argument, essentially, is that by tightening cutoff levels, especially at the screen test level, more persons using drugs would be caught.

As the comments indicate, there are a variety of preferences on the subject of positive levels. After consulting with DHHS, we believe that the existing positive levels best achieve a reasonable balance between the objectives of treating as positive significant amounts of drug metabolites in an employee's system while treating as negatives smaller quantities of metabolites that could result from such sources as passive inhalation, cross-reactivity, or ingestion of food products. Tightening positive thresholds, especially at the screen test stage, would probably increase program costs, as there would probably be a higher number of initial tests requiring confirmation (and a lower percentage of screen positives that confirmed positive). DHHS is likely to consider this issue in its consensus process on guideline issues, and the Department can revisit the issue following this DHHS consideration.

#### 5. Observed Tests

This issue pertains to the circumstances, if any, under which

direct observation of an employee providing a urine sample is permitted or required. Since direct observation makes the collection process more intrusive, the interim final rule limited direct observation to four circumstances in which there is reason to believe that a particular employee may tamper with the specimen.

Some comments requested that this limitation be relaxed or eliminated, allowing greater discretion for observed collections. The Department did not adopt this suggestion, in the view that existing safeguards in part 40 are adequate to prevent tampering and that direct observation, because of its increased intrusiveness, should be strictly limited. Limitations on direct observation are one factor in the balance between privacy and safety necessity considered by the courts.

Other comments opposed all direct observation. The Department did not adopt this comment either, believing that where, for example, there is strong evidence of tampering, direct observation is needed to ensure the integrity of the collection process. Some comments specifically opposed direct observation as part of follow-up (i.e., post-positive) testing, while other commenters favored this practice. The Department believes that direct observation may be a useful tool in follow-up testing. For example, some kinds of drug use (e.g., cocaine addiction) may be very difficult to treat; substance abuse experts suggest that many people undergoing rehabilitation suffer relapses of cocaine use. An individual who has returned to work after rehabilitation but has suffered such a relapse may have a greater incentive to attempt to beat a follow-up test, because the employer may not provide a second opportunity for rehabilitation. If the employer or EAP counselor believes that this may be the case, the opportunity for direct observation should exist.

In this connection, it should be pointed out that, under the regulation, direct observation is mandatory only when the collection site person observes behavior clearly indicating an attempt to tamper or when the specimen temperature is outside the normal temperature range and an oral body temperature reading is refused or is inconsistent with the specimen temperature. In follow-up testing and when the specific gravity and creatinine content of a previous sample are below the regulatory standards, the employer has discretion to require direct observation.

Other comments suggested that the MRO should determine when a

collection should be directly observed. While, in some situations, the MRO may be involved in this determination (and a company may use an MRO for this purpose), the Department does not think it would be a good idea to mandate this involvement. For example, MROs often may not be located near the testing site, making their mandatory involvement impractical.

Some comments opposed, and others favored, the current requirement that a higher-level supervisor of the collection site person, or a designated employer representative, concur with a decision of the collection site person to require direct observation. The Department believes that this requirement of the current rule is sound, as a check on the decision of a staff person to require an intrusion on privacy, and should be retained.

One comment suggested that a directly observed collection could be made if either creatinine levels or specific gravity on previous test (rather than both, as under the current rule) were below the regulatory standard. In the Department's view, it is preferable to retain the current provision. Given the additional privacy intrusion involved in a directly observed collection, it is preferable to have two, rather than one, indicators of possible dilution of a sample before proceeding to an observed collection.

#### 6. Testing Procedure Issues

a. *Collection site person issues.* Some commenters requested that the Department establish training procedures or standards, or establish testing requirements, for collection site personnel. The Department does not believe such requirements are necessary. The interim final rule provides that, if not a licensed medical professional or technician, a collection site person must be trained for his or her function. This training is intended to be training to proficiency (i.e., the person must be trained sufficiently to ensure that he or she will perform the functions of the job competently). We would also point out the existing requirement for the provision of instructions to collection site personnel.

The Department does not believe that it would be productive to require all collection site persons to conform to a single training curriculum developed by the Department. If there is sufficient interest (expressed, for example, at forthcoming DOT drug conferences or in correspondence to the Department), the Department could consider cooperating in the development of a model training module. More extensive requirements,



such as testing or certification, are likely to be unduly costly. Such requirements could also interfere with reasonable cause or post-accident tests, which sometimes must be conducted at medical facilities that are not regular collection sites.

One comment suggested that supervisors of employees should not be permitted to collect specimens from the employees. The concern of the commenter appeared to be that a supervisor might have the appearance of a conflict of interest in collecting a specimen from an employee the supervisor did not like. The Department agrees that it would be preferable, as a general matter, for supervisors not to collect specimens from their own subordinates. Consequently, we have altered the rule to provide that the direct supervisor of a covered employee may not act as the collection site person for that employee, except where this is impracticable (e.g., on a ship at sea, where the only person or persons available and qualified to do collections have a supervisory relationship with the employees). If individual DOT agency rules impose more stringent provisions, the more stringent requirements apply.

One comment asked that the employer's own personnel be permitted to conduct collections. The current rule permits this practice. With the exception stated above concerning direct supervisors, the Department will permit this practice to continue. It was also suggested that collection site personnel can be licensed by any state or jurisdiction. Again, this is already the case (and for MROs as well as medical professionals or technicians who collect specimens).

A number of comments suggested that the collection site person should be able to be of the opposite gender from the employee, when a same-sex person is not available. Under the current rule, a collection site person must be of the same gender as the employee in only two circumstances. One is that the individual who watches an employee provide a directly observed sample must be of the same gender as the employee. It should be pointed out that only the observer (who does not need special training) must be of the same gender as the employee. An opposite gender collection site person could still perform other collection functions, as long as a same-gender observer were used.

The second case involves an individual who "monitors" a collection. Such an individual, if he or she is not a medical professional or technician, must be of the same gender as the donor. A collection site person "monitors" a collection, for this purpose, only if he or

she is in close proximity to the employee as the employee provides the sample, such that the collection site person can hear the employee's actions. For example, if the collection takes place in a public rest room, in which the employee goes into a partially partitioned stall to provide the sample, while the collection site person remains in the common area of the rest room, the collection site person would be "monitoring" the collection. On the other hand, if the collection takes place in a facility (like many medical facilities) in which the employee goes into a separate room, with a fully closable door, to donate the sample, while the collection site person remains outside, "monitoring" would not take place. In the former case, the person monitoring the collection would have to be either a medical professional or technician (of either gender) or someone without medical training who is of the same gender as the employee.

The Department believes that these requirements are important to safeguard employees' privacy. While we understand that there may be occasional situations in which the requirements make it difficult or more costly to conduct collections, we believe that, on balance, the privacy interests of employees justify these costs.

Another comment suggested that the collection site person should not be permitted to leave the collection site before the specimen is sealed and labeled. This requirement is already part of the regulation and will be retained. It was also suggested that, to increase efficiency, a collection site person could work with more than one donor at a time, with appropriate safeguards. The current rule limits the collection site person to working on one specimen at a time "in order to promote security of the specimens, avoid distraction of the collection site person and ensure against any confusion in the identity of specimens" (49 CFR 40.25(d)). These reasons remain valid, and the Department is retaining this requirement. This provision does not preclude more than one collection site person from working in a particular collection site, however, as long as each person supervises only one donor at a time.

**b. Sample Quantity.** Comments mentioned the "shy bladder" problem, in which an individual, for physiological or psychological reasons, is unable to produce sufficient urine for a sample. The Department does not believe it would be consistent with the intent of the testing program to excuse from testing persons solely on the basis that they claimed to have this problem or

who, on a first attempt, were unable to produce a specimen. In its internal program, the Department, consistent with the DHHS Guidelines, tells the individual to drink additional fluid and wait a reasonable time before trying again to produce a sample. During this time, the individual remains at the collection site or otherwise under supervision. If, after a reasonable time, the individual cannot provide the sample, the individual is scheduled for a subsequent unannounced test. If the result is the same, the individual would be directed to see a physician, whose evaluation of whether there was a genuine problem or a refusal to take a test would be provided to the employer. The rule adopts a similar system, with refinements taking into account the differences among different types of testing.

Some comments also suggested, as a general matter, that a sample smaller than 60 ml (e.g., 30 ml) would be adequate. The purpose of a 60 ml sample is to allow sufficient urine for multiple GCMS confirmation tests (if the screen test is positive for multiple drugs) and for a retest, if one is requested. While a smaller quantity may be sufficient in many cases, the 60 ml sample size leaves a greater margin of safety for situations in which multiple aliquots are needed. (We would suggest, however, that if a sample reaching the laboratory inadvertently is a small amount short of the 60 ml, the test need not necessarily be cancelled. The test should be cancelled only if the amount of urine proved insufficient for all necessary analysis (including a reserve of 10 ml for possible retesting).)

A comment also suggested that female employees be excused from testing during their menstrual periods. The Department does not believe that this is essential, either for the integrity of the testing process or the comfort of employees. We recommend that when an employee states to the collection site person that the two events coincide, the collection site person should note the fact on the chain of custody form. If any substances (e.g., blood) or other chemical changes in the urine made a valid test impossible, the laboratory would cancel the test.

**c. Additional protections for employees.** Some comments urged a requirement for "split samples." That is, the employee would provide a sample which would be divided into two containers. The two containers would be separately labeled. One would be sent to the laboratory for analysis while the other would be stored (either at the same lab, a second lab, or an employer



storage site). If the first sample were positive, the second sample would be tested. If the second result were negative, the test would be cancelled. The comment suggested that this system would provide an extra measure of protection for employees against employer or laboratory error.

The Department does not believe that split samples should be required as part of this regulation. Given the stringent safeguards embodied in these procedures (e.g., concerning collection, chain of custody, DHHS-approved labs, GCMS confirmation tests, and MRO verification), the likelihood of a false positive is extremely low. (For example, the Department, in over 30,000 tests run under the DHHS Guidelines, has never had a false positive.) The extra costs and administrative burden of a split sample system would be unlikely to provide significant additional, necessary protection for employees. If employers wish to use a "split sample" approach, however, the rule permits them to do so. It should be emphasized that doing so is completely voluntary; at the same time, the Department sees no compelling reason to prohibit the practice.

The Department is adopting another suggestion to increase employee confidence in the process. This comment is to require the employee to be provided with a prepackaged specimen bottle (and collection container, if applicable) prior to providing the sample. We recommend, in addition, that the collection site person shall allow the employee to select the specimen bottle and collection container he or she will use.

The Department has not adopted a suggestion for having DOT-established quality assurance guidelines. This matter is adequately handled by the DHHS certification process and blind testing requirements. A related suggestion, to allow employees who test positive access to all laboratory records, is adequately handled by the existing rule (see § 40.37).

Among other suggestions the Department is not adopting are to have an employee representative required to be present with the tested employee at the collection site (which potentially would cause crowding, delay, and interference with the process), to give employees an hour after coming off the job before taking a random test (which would cause unnecessary delay and expense), to prohibit tests during rest periods (which would needlessly complicate the timing of the testing process and make it more expensive), and to establish a separate positive threshold for retests of positive specimens (a retest is simply for the

presence of the drug, making this step unnecessary). The Department agrees with comments suggesting that needed medical treatment should not be delayed in order to collect a specimen and the rule so provides.

d. *Other issues*—A comment suggested requiring a permanent collection site logbook. The DHHS Guidelines contain this requirement; the DOT procedures deleted the requirement as an unnecessary administrative burden in light of the chain of custody form called for in the rule. The Department continues to believe that the rule's chain of custody form system is adequate (one of the copies of the form is retained by the collector) for records purposes and that a permanent log book would be duplicative.

Another suggestion was to make the collection procedures of section 40.25 voluntary instead of mandatory. The Department did not adopt this comment, because doing so could result in inconsistent and potentially inadequate protections for the integrity and accuracy of the collection process.

It was suggested, with reference to § 40.25(f)(16), that it was unnecessary to send to the lab both a suspect sample and a retest sample. Since it is possible that the initial specimen could be valid, we believe that it makes sense to send both.

A comment objected to ever using public bathrooms, contending that their security could not be assured. When a public bathroom is used, it must be posted against access by persons not involved in the drug testing process and access must be controlled by the collection site person. These existing safeguards are sufficient, in the Department's view.

It was also suggested that collection site persons show an ID to the employee upon request and provide a receipt for personal belongings surrendered by the employee. We believe it is fair that, since the employee must show ID to the collection site person, the collection site person would reciprocate if asked. If surrendered personal belongings do not remain in the same room with the collection site person and the employee, we also believe it is reasonable for a receipt to be provided. The rule has been amended to provide for both these safeguards.

It was suggested that an employee not have to wash his or her hands prior to giving the sample. Because it is possible to conceal adulterants under a fingernail, we believe this practice should continue. We agree with a comment that it is preferable to store specimens in a secured area (e.g., a

locked refrigerator) prior to shipment, and we recommend this practice, but we do not think it necessary to require this practice in the rule. The rule's safeguards for specimen security are sufficient, in our view, and not every location where samples are taken may have something like a locked refrigerator (e.g., remote work sites). Nor do we believe it is necessary to record the specimen temperature in every case; recording normal temperature results would simply be additional paperwork not adding to the integrity of the process.

#### 7. Medical Review Officer Issues

a. *Who performs MRO functions?*—A number of comments said, in effect, that no one should have to perform MRO functions, since the concept of an MRO was an impediment to the efficient functioning of a drug testing program and that the MRO should be deleted from the rule. The Department continues to believe that having an MRO is crucial to a good drug testing program. The Department's program is intended to deter and detect the prohibited use of certain types of drugs, in the interest of transportation safety. Many substances (e.g., opiates, cocaine) have legitimate medical uses as well as prohibited uses. Laboratory machines, however accurate, cannot make this distinction; they just measure quantities of a chemical in urine. A trained, medically knowledgeable person—the MRO—is essential to be able to distinguish licit from prohibited use of substances. In the absence of such informed medical judgment, we believe that the system would be less likely to achieve its objective and would be very unfair. Like a sound chain of custody, GCMS-confirmed tests, and DHHS-certified labs, having an MRO is a safeguard that the DOT program cannot do without.

Some comments suggested that a staff member of a testing laboratory should be able to function as the MRO. Since laboratories may have qualified physicians on their staffs, this could be both a convenience for the many employers who do not have staff physicians of their own and a useful marketing tool for laboratories. However, the Department is concerned that there could be a conflict of interest, or the appearance of such a conflict, between a doctor's role as a staff member of a laboratory and the MRO's responsibility to determine whether test results are scientifically sufficient. To deal with this problem, the Department is amending the regulation to provide that if a laboratory wants to provide MRO services, it must establish a



separation of functions to guard against the possibility of a conflict of interest. For example, the laboratory could spin off an organizationally separate subsidiary to perform MRO functions or could erect what is sometimes called a "bubble" or "Chinese wall" around the MRO, to ensure that the MRO is not subject to communications or influences that could create the appearance or reality of a conflict of interest. In no case could the physicians performing as MROs have responsibility for, or be subject to the supervision of those who have responsibility for, the drug testing or quality control operations of the laboratory.

Comments also suggested that MROs should be able to have non-physicians on their staffs who would take care of administrative duties, making contacts with employees, etc. The current rule does not prohibit this practice, and an amendment is not needed for this purpose. MROs are likely to need staff persons for administrative duties, and these staff may certainly make the initial contacts with employees (e.g., place calls to those who have tested positive to inform them that the MRO needs to talk to them). An appropriately medically trained staff person (e.g., a nurse with substance abuse training) may gather information from an employee about the employee's explanation for a positive result. In every case, however, the MRO must make the decision about whether, and talk to the employee before, a confirmed laboratory positive is verified positive. No staff person can make this decision for the MRO. All persons working for the MRO are bound by the same requirements for confidentiality to which the MRO is subject.

Comments disagreed on whether non-physicians could serve as MROs. The Department believes that it is important for the MRO to be a physician, in order that a person with substantial medical training be in a position to make the critical medical judgment about whether an individual's drug use is legitimate.

**b. Which tests does the MRO review?**—Some commenters thought MROs should not have to review negative tests. The current regulation, while requiring negatives to be sent from the lab to the MRO, does not require substantive review of negatives by the MRO. The MRO's function with respect to negatives need be only an administrative one, and ought not add significant costs to the process, since only administrative processing fees (as distinct from fees for professional medical services) would seem to be

involved. The rule now explicitly states this point.

This administrative role is an important one, however. If negatives were sent directly to the employer from the laboratory, while positives were sent to the MRO, the employer would know for certain that some identifiable employees were "lab negatives" and others were "lab positives" whose tests the MRO did not verify positive. The employer would know this simply from the fact of whether it got a negative result from the lab or the MRO. A "lab positive/verification negative" employee could easily be stigmatized as a drug user, or be subject to employer inquiries about medical use of drugs. This would be contrary to the intent of the rule with respect to employee confidentiality.

It was also suggested that MROs should not have to review positive pre-employment tests, or not review any tests except post-accident tests, or not review any tests at all. Laboratory positive tests not going to the MRO would go directly to the employer, who could take action against the employee or applicant immediately upon receipt. MRO review would occur only if an employee appealed the positive test. The advantage of this approach, comments said, is that it would allow employers to act quickly to remove drug abusers from safety sensitive positions, rather than incurring potential liability for an accident that might happen during the course of MRO verification.

The Department has not adopted this comment. The Department's rules are intended to result in the removal from safety sensitive positions only those individuals who are determined to have engaged in prohibited drug use. Until an MRO verifies that a positive laboratory result represents prohibited drug use (e.g., that there is not a legitimate explanation for the laboratory result), the condition on which employer action under the regulations is premised has not come into being. MRO verification prior to employer action is essential to the accomplishment of the purpose of these regulations.

The Department does not see any policy distinction between the need for MRO verification of one sort of test and another. In any case, a confirmed positive test resulting from legitimate use of a drug, if not subject to MRO verification procedures, can result in economic harm to, and stigmatization as an illicit drug user of, an innocent party. The final rule will continue to require MRO verification for all tests.

Comments asked that MROs, in making verification decisions, be able to

consider results of tests of the employee's urine made in other labs. This issue is addressed by § 40.33(b), which provides that MROs may not consider results of urine samples that are not obtained or processed in accordance with the DOT procedures. For example, if a "split sample" is taken, all procedures affecting the second part of the sample must be the same as for the first, and all tests must be done in a DHHS-certified laboratory. Only under these conditions could the MRO consider a result from a second lab. The MRO could not consider samples taken under other conditions or at a different time. If the two lab results turned out to be different (e.g., one positive, one negative), the MRO would cancel the test and contact the laboratory director(s) and attempt to discover the reason for the discrepancy. (The same procedure would be followed if a retest of a "positive" specimen had a negative result.) As following any cancelled test, the employer would direct the employee to take another subsequent test, if appropriate.

**c. MRO procedures**—Some comments expressed concern that the regulation requires MROs to talk to employees face-to-face, a clear impracticality in many instances. The MRO must provide an opportunity for an interview of an employee testing positive as part of the verification process, but this conversation can happen via telephone or other means as well as a face-to-face discussion. If the employee, however, affirmatively turns down the opportunity (e.g., tells the MRO he does not want to discuss the matter), the MRO may proceed with verification.

The timing of the verification process concerned a number of commenters. For example, suppose an MRO is unable to locate an employee, or the employee does not return the MRO's calls. How long is the MRO supposed to wait before verifying a test as positive? The Department has incorporated the following procedure into the regulations. The MRO makes an active attempt to contact the employee. This is intended to be the primary means by which the employee is contacted; other means are mechanisms intended to be used only if the MRO's direct attempt is unsuccessful. If this attempt does not succeed after the MRO has made all reasonable efforts (i.e., the MRO has tried all the means of getting hold of the individual within a reasonable time that can reasonably be expected to be productive) the MRO would contact a designated employer representative. (What constitutes a reasonable time, and what reasonable efforts must be



made, are matters for the MRO's judgment, which can vary with the circumstances of different industries or employers. For example, the time, and the sort of efforts that would be involved, may differ depending on whether the employee involved is a truck driver who is on a cross-country trip, as opposed to a mass transit bus driver who checks into a terminal every morning before starting to drive.) The MRO will not inform the employer representative of the reason for this request, and the employer representative must take appropriate steps to safeguard confidentiality.

The employer representative must contact the employee and tell the employee to contact the MRO as soon as possible. This should be done, whenever possible, prior to the employee's next performing his or her safety-sensitive function.

If the employer representative is unable to contact the employee, the employer could place the employee on medical leave or temporary medically unqualified status. The test would still not be a verified positive until the employee had the opportunity to talk with the MRO, but the individual would not be performing a safety-sensitive function in the meantime.

In order to prevent undue delays covered by an employee's refusal to contact the MRO, the MRO could verify a confirmed positive test result if, five days after a documented contact between the MRO or designated employer representative that informed the employee that he or she was to talk to the MRO, the employee had failed to do so. The rationale for the provision would be that, having been told to talk to the MRO, the employee, by declining to do so, has waived the opportunity to prevent information concerning possible legitimate explanations for a confirmed positive drug test. As a safeguard for employees, the MRO could review the verification if the employee demonstrated that circumstances prevented the contact (e.g., the employee produced medical records to show that, the day after the employer contact, the employee was seriously injured in an automobile accident and was hospitalized for several days). If the MRO "reopened" the verification in such a case, and the employee was able to demonstrate a legitimate medical explanation for the confirmed laboratory positive, the test result would be changed to a negative.

Another suggestion was that the laboratory should routinely provide the quantitation of positive tests to the MRO, rather than only upon MRO request. The Department does not see

the need for such a requirement. The MRO typically needs to know only that a test was confirmed positive. In most cases, the quantitation is not relevant to the MRO's job. When the MRO, for some reason, believes that quantitation is needed, the laboratory is obligated to provide it. This seems sufficient for accomplishing the purposes of the rule.

A question has been raised concerning whether the MRO may begin verification immediately upon receiving notification from laboratory of a confirmed positive result (e.g., by fax or computer link). The MRO may indeed begin the verification process at this point, by contacting the employee and obtaining the employee's explanation of the positive result. However, the MRO is not to declare a verified positive until he or she receives the hard copy of the original chain of custody form from the laboratory. This is because, prior to determining that the test is a verified positive, the MRO verifies the identifying information and the facial completeness of the chain of custody (i.e., determines that, on the face of the document, all the sign-offs are in the right places).

There was a request for clarification concerning whether one MRO could serve all the employers participating in a consortium. This is the case; indeed, the main purpose of a consortium is to allow employers to share the services and costs of MROs, collectors, laboratories, etc.

d. *Confidentiality issues.* Under the current regulations, the MRO is directed to tell the employer only whether the drug test is positive or negative (see § 40.27(g)(3)). This implies, but does not explicitly state, that the MRO would not inform management of other information developed in the verification process that could affect safety. Some comments pointed out that it puts an employee in a difficult position if, in order to explain a confirmed positive result as legitimate drug use, he or she must reveal information which will be passed on to an employer who then may take adverse action against the employee as a result. The passing on of this information may also raise issues about whether the MRO has breached a duty of confidentiality.

On the other hand, if the MRO learns about legal use of medications by an employee that may cause or reveal a safety problem, the MRO may have legitimate concerns about his responsibility to protect public safety and his liability in any subsequent accident attributable to the employee's use of the legal drug.

To balance these considerations, the Department has incorporated the

following approach in the final rule. The MRO would inform the employee, before beginning the verification interview, that the MRO could transmit to appropriate parties (e.g., the employer, a certifying physician, a DOT agency) information concerning medications being used by the employee or the employee's medical condition only if, in the MRO's medical judgment, the information indicated that the employee may be medically unqualified under applicable DOT agency rules or would otherwise present a safety hazard. Information could also be transmitted to third parties if DOT agency regulations so provide (e.g., a DOT agency regulation calling for the provision of information to the National Transportation Safety Board in an accident investigation). The MRO could then transmit the information (e.g., that the employee was regularly taking medication that made him very drowsy while on the job).

Another confidentiality issue concerns formal proceedings (e.g., lawsuits, grievances, arbitrations) in which an employee challenges action taken by an employer as the result of a drug test. Normally, information about drug tests (see §§ 40.27(g)(3), 40.35, and 40.37) is releasable only with the consent of the employee. However, it would be unfair if, in an adversarial proceeding, one side had access to information which the other did not. Consequently, we have clarified the regulation to provide for the release of relevant information to management in the context of such a proceeding.

#### 8. The Chain of Custody Form

The Department received a substantial number of comments concerning the chain of custody form. The Department, working with DHHS, has drafted a revised chain of custody form, which it tested in the Department's internal program. In addition, a number of comments included suggestions for revising the form. The Department has produced, from these sources, a revised chain of custody form for use by employers covered by DOT drug testing regulations. It is set out at appendix A. The portions of this regulation pertaining to the form (see § 40.23(a)) have been changed from the interim final rule to be consistent with the new form.

Employers are not required to "photocopy" this form; they may gather the information in a somewhat different format. However, employers are required to gather the information called for in § 40.23(a) and may not gather information inconsistent with that called for in these rules (e.g., information that



could compromise employee confidentiality). A form that, for example, was only a three-part form rather than a six-part form, or which failed to include the certifications, chain-of-custody provisions etc. called for in the regulation would not be consistent with part 40 requirements.

It should be noted that the back of copy 4 of the form (the employee's copy) contains space on which the employee can note, as his or her own private "memory jogger," medications or other substances which he or she is taking. This use of the space by the employee is entirely voluntary; employers may not insist on its use, and the information is not intended to be provided to the employer.

The Department is aware that, as testing begins for many employers in December 1989, they may not have time to get copies of the new form printed before testing begins. As a transitional measure, employers may continue to use forms complying with the interim final rule for a reasonable time. All new printings of forms must conform to the revised form. We urge transition to the new form as soon as possible.

#### 9. Recordkeeping and Reporting

One issue mentioned in a number of comments concerns "batch reporting." Section 40.29(g)(1) of the interim final rule requires that the laboratory report all positive and negative results of samples submitted at the same time to the MRO at the same time. Some comments objected to this requirement on the grounds that it unnecessarily kept information from employers about negative tests during the time it took for MROs to verify the positive tests in the "batch." The purpose of the batch testing requirement was to prevent the employer from inferring which employees had positive test results from the lab (even if the tests ultimately were not verified as positives), since this inference could lead to stigmatization of the employees.

The Department believes that the batch reporting requirement is no longer necessary and has removed it from the rule. It is our understanding that, given the individual chain of custody form that would be used predominantly for DOT-mandated drug testing and the way that samples are processed in DHHS-certified laboratories, it is no longer relevant to conceive samples as arriving at and departing from laboratories in easily identifiable batches. Under these circumstances, the Department will permit laboratories to report individual results to the MRO as they become available. Likewise, MROs could report the results to the employer as they

become available or, in the case of positives, as they are verified.

The Department will maintain the prohibition on the provision of results from the lab to the MRO by telephone. The potential for garbling of information in voice communications is too great. Provision of results in a written form (e.g., fax, computer link, hard copy) are needed. The Department also recommends that MROs pass on results to employers in a written form, lest mishearing of information in a phone conversation result in mistaken action with respect to an employee.

There were a number of comments concerning the monthly report provided by the laboratory to the employer (§ 40.29(g)(6)). One was that the report should not distinguish between confirmed and unconfirmed positives. The Department has not adopted this comment, on the ground that this aggregate information may be of use to employers and is likely to involve minimal cost. Another comment suggested providing this report directly to unions as well as to the employer. The Department will not mandate transmission of the report to unions, though this may be an appropriate subject for collective bargaining. Finally, a commenter expressed concern that for small employers, the facially aggregated data could provide individually identifiable information about employees. For example, if an employer only had two tests during a month, and one was positive, it would be easy for the employer to infer from the data that a specific other employee had a screen positive. To get around this problem, the rule has been changed to require labs to refrain from sending the monthly report where the data is not sufficiently aggregated to prevent compromise of information about particular individuals. In such a case, the laboratory would not provide the report until a time (e.g., a month or two later) when the data was sufficiently aggregated. (On a similar matter, laboratories and other parties should refrain from billing practices that would permit employers readily to identify individual employee's results.)

Comments suggested that employees should be notified if there is evidence of tampering or other problems with a sample (employees would be notified of a cancelled test, which would be the typical result of such problems) or, with respect to employees who had tested positive recently, if a blind sample resulted in a false positive (unnecessary, in the Department's view, in light of the provisions for retests in § 40.31(D)(6) and the fact that a false positive on a blind sample can result in action against the lab, up to and including the loss of

certification). Either of these kinds of actions could also result in investigation by the concerned DOT agency or office. There was also a request for direct notification of employees, not just the MRO, of test results within five days. Since the role of the MRO in determining test results and maintaining confidentiality is very important, the Department believes the existing provision should be retained.

There were various suggestions for changing record retention requirements (e.g., reducing record retention periods, avoiding storing positive samples for a year for possible retests). The Department has concluded that existing record retention requirements are needed to facilitate monitoring of the testing process and keep sufficient safeguards of the accuracy of the process in place. It should be noted that records may be kept electronically or by other means (e.g., microfiche) as well as in paper hard copy.

#### 10. Rulemaking Procedure and Other Issues

Some comments asked that a "waiver" provision be included in the regulation. Such a provision would allow individual employers or industries, on their own or with the consent of the relevant DOT operating administration, to establish different testing procedures from those set forth in the regulation. This would permit the various employers or industries to have testing procedures that fit their circumstances better than the general provisions of the rule, it was said.

The Department has not adopted this comment. The matters about which waivers would most likely be sought, based on the comments, are those on which comments indicated that employers preferred to proceed differently from part 40 (e.g., which drugs are tested for, positive thresholds, use of DHHS-certified labs, use of on-site screening tests, MRO verification of positives). These are matters that the Department has considered and decided in this rulemaking. Having made decisions on these issues, which affect employees as well as employers, the Department does not think it advisable to invite requests by employers to design their own procedures, which could be inconsistent with, and contrary to the rationale of, the provisions of this rule. The result could be substantial inconsistency among employers and industries and the erosion of necessary legal and practical protections for employees, which are crucial to the success of the program.



It should be pointed out that, as an Office of the Secretary of Transportation rule, part 40 is subject to the exemption procedures of 49 CFR 5.11-5.13. Under these procedures, any party may petition the Secretary for an exemption to a rule. The grounds on which an exemption may be granted are narrow. An exemption is granted only on the basis of a showing of special circumstances, not contemplated in the rulemaking, that make compliance with the generally applicable rule infeasible. By special circumstances, we mean circumstances peculiar to the applicant, which are not generally applicable to a class of parties. An exemption request is not a forum for reasserting arguments or positions considered during the rulemaking, or for seeking a *de facto* amendment to the rule. Nor are exemptions granted on the basis that the applicant would find it preferable to proceed in a way other than that set forth in the rule.

On the basis that urine testing is such a bad idea that no set of procedures could redeem it, some comments urged abolishing the procedures (and, implicitly, the entire DOT drug testing program as well). The Department is well aware of the controversial nature of drug testing. The Department is committed to drug testing as being necessary for transportation safety. These procedures are the best means of which the Department is aware to ensure that testing is fair and accurate. Other commenters urged abolishing the procedures or making them voluntary so that employers could devise their own procedures.

Given the number of employers covered by DOT drug testing rules, and the varying resources available to them, the Department believes that consistent procedures that protect the accuracy and integrity of testing and successfully balance the legitimate interests of employers and employees would be difficult to achieve under such a "voluntary" approach.

Some comments questioned the validity of issuing an interim final rule, saying that an NPRM should have been issued first or that a supplemental notice of proposed rulemaking (SNPRM) should be issued before a revised final rule. The Department does not believe that either is called for. Before the issuance of the interim final rule in November 1988, commenters had the chance to address the applicability of the DHHS Guidelines to the DOT drug testing program in the context of six operating administration NPRMs. That the Department decided, as a matter of administrative convenience, to issue one

procedural rule applicable to all six operating administration rules rather than incorporating or referencing the DHHS Guidelines or a modification of them in six individual rules does not affect the validity of the rulemaking process. (It should also be pointed out that the DHHS Guidelines themselves were published after an opportunity for public comment.)

After reviewing the comments pertaining to testing procedures made in response to the six operating administration NPRMs and the comments on the interim final rule, the Department is convinced that the issues have been thoroughly raised and responded to, and that a further opportunity to comment in an SNPRM would only delay necessary revisions of the interim final rule, rather than obtain additional useful suggestions. Therefore, the Department is proceeding to a final rule at this time.

A few comments also questioned the underlying legal authority for the rule. The rule is an Office of the Secretary rule, published under the general rulemaking authority available to the Secretary of Transportation. The operating administration rules, issued under the safety and/or grant program rulemaking authority of the several administrations, are the source of the requirement that regulated employers use the part 40 procedures.

Other comments concerned the regulatory evaluation, regulatory flexibility statement, and federalism statement. The costs of drug testing, and of testing according to these procedures, are imposed on regulated parties not by part 40 but by the six operating administration rules. The costs were taken into account in the regulatory evaluations for those rules and do not need to be repeated in connection with part 40.

The same can be said, as a general matter, for the impact of part 40 on small entities. One point made in this connection was that the requirement of part 40 for DHHS certification of laboratories could reduce opportunities for small laboratories. The Department does not believe that this is the case. DHHS certification is available to any laboratory meeting DHHS requirements, which do not include a size minimum. The 37 laboratories certified to date by DHHS include smaller as well as larger laboratories. While some laboratories, including small laboratories, may conclude that the business they would gain through DHHS certification is not sufficient to make DHHS certification worthwhile to pursue, the Department does not believe that this makes a case

for altering the standards for participation in the DOT drug testing program, which must remain high in order to protect the integrity of the program.

With respect to federalism, a comment suggested that there may be a federalism impact on state and local laboratory certification standards. The requirements for the use of DHHS-certified laboratories does not in any way affect or preempt state or local laboratory certification standards, which will continue to apply without change within their ambit. Part 40 simply says that for purposes of a new Federal testing requirement, DHHS certification is required in addition to whatever standards laboratories must meet under state or local law.

#### Section-by-Section Analysis of Changes in the Final Rule

The Department is printing the complete text of part 40, as amended, in order to facilitate its use by affected parties. As a guide to the changes made in this amendment, this section of the preamble lists the changes which this amendment makes to each section of part 40.

**Heading.** The Table of Contents is changed by deleting the reference to subpart C and by changing the number of the section on the use of DHHS-certified laboratories from 40.41 to 40.39. The reference to the DHHS certification standards has been deleted (as has the old appendix A itself); appendix A now contains the drug testing custody and control form. A reference to 49 U.S.C. 322 has been added to the authority citation. This citation, which is to the statute containing the Secretary's general rulemaking authority, was inadvertently omitted from the publication of the interim final rule.

**Section 40.3 Definitions.** A definition of "blind sample" has been added. An addition has been made to the definition of "collection site person," providing that unless it is impracticable for any other individual to perform this function, a direct supervisor of an employee shall not serve as the collection site person for a test of the employee. This definition also clarifies what "monitoring" of a drug test means. Definitions have also been added to distinguish three kinds of containers used in the collection process; the collection container, specimen bottle, and shipping container.

**Section 40.23 Preparation for Testing.** Paragraph 40.23(a), concerning the drug testing custody and control form, has been changed in accordance with the revised form. Paragraph 40.23(b) now



contains, as subparagraph (1), a requirement for the use of a sealed specimen container, which will be presented to the employee for unsealing at the beginning of the test procedure. The existing language of paragraph (b) has been renumbered as subparagraph (2).

**Section 40.23 Specimen Collection Procedures.** Subparagraph 40.23(e)(2)(i) has been amended by deleting the words at the end concerning the oral temperature not equalling or exceeding that of the specimen. The temperature range provision has been clarified.

Subparagraph (f)(2) contains new language at the end providing that on employee request, the collection site person shall show his or her identification to the employee. Language has been added at the end of subparagraph (f)(4) directing that if an employee requests it, the collection site person shall provide the employee a receipt for any personal belongings. Subparagraph (f)(8) now contains language requiring that the collection site person provide to the individual a sealed specimen container for purposes of giving the sample.

Subparagraph (f)(10)(i) concerns the "shy bladder" problem. The new language provides that if the individual is unable to provide 60 ml of urine, the collection site person shall direct the individual to drink fluids and, after a reasonable time, try again to provide a complete sample. In the case of a post-accident or reasonable cause test, the individual is not required to continue the procedure beyond eight hours from the start of the collection procedure. For other types of testing, another option is provided, under which the employer is notified, and the individual is scheduled for an unannounced drug test in the near future (if an employee) or scheduled for a new preemployment test (if an applicant; of course, the employer need not hire an applicant and the referral for further evaluation or testing is not mandatory in the preemployment situation, if the employer does not want to hire the person). If the individual cannot produce a complete sample within the eight-hour period or at the subsequent test, the employer must refer the individual to a physician for a medical evaluation of whether the problem is genuine or amounts to a refusal to take a drug test. Also in subparagraph (f)(10), new subparagraph (ii) has been added, permitting, but not requiring, the use of "split samples." It should be noted that the test of the second part of a "split sample" is only for presence of the drug(s) found positive on the first test (i.e., the cutoff

values of § 40.29 do not apply). A new subparagraph (iii) specifies that, except for split samples under subparagraph (ii), no portion of the sample collected under this part may be used for any purpose other than drug testing required under DOT regulations.

A new paragraph (j) has been added, concerning employees requiring medical attention. The paragraph provides that if the collection is being made from an employee in need of medical attention (e.g., in a post-accident test), necessary medical attention shall not be delayed in order to take the sample.

**Section 40.29 Laboratory Analysis Procedures.** Subparagraph 40.29(g)(1) has been amended by deleting the last sentence, which required "batch reporting." Subparagraph 40.29(g)(3) has been amended by adding a proviso that the MRO may reveal the quantitation of a positive test result to the employer, the employee, or the decisionmaker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test (including a challenge by an employee to an action by a DOT agency concerning the employee's medical certificate, license, or other document).

Subparagraph (g)(6) has been amended by adding language providing that monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary in order to prevent disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory would so inform the employer in writing.

**Section 40.31 Quality Assurance and Quality Control.** In subparagraph (d)(2) of this section, the blind testing requirements have been simplified and the rates reduced. All employers, regardless of size, are covered. Each employer must submit three blind samples for every 100 employee specimens submitted, to a maximum of 100 blind samples per quarter. A DOT agency could increase this maximum if necessary, for extremely large employers or consortiums. For employees with fewer than 2000 covered employees, lower cost methods of supplying blind samples are authorized by subparagraph (d)(4). Blind testing need not begin until 180 days after publication of the rule for employers with fewer than 2000 employees. Subparagraph (5) clarifies that a consortium submits blind samples on behalf of its members.

**Section 40.33 Reporting and Review of Results.** In paragraph (a), the word "results" at the end of the first sentence has been changed to the words "confirmed positive results from the laboratory" as a clarification, to emphasize that a review of negative results is not necessary. At the end of this paragraph, a sentence has been added to make explicit that the MRO review shall include review of the drug testing chain of custody form to ensure that it is complete and sufficient on its face.

In paragraph (b), a sentence has been added after the first present sentence stating that the MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the MRO has no responsibility for and is not supervised by or the supervisor of, any persons who have the responsibility for the drug testing or quality control operations of the laboratory. Later in this paragraph, clarifying amendments have been made to the sentence beginning "This action" to say that the action in question includes "conducting a medical interview with the individual" and may also include review of the individual's medical history or review of any other relevant biomedical factors.

Paragraph (c) has been amended by adding the words "for an individual" after the words "positive test result" in the first sentence. New language has been added following the first sentence. It says that the MRO shall make all reasonable efforts to contact the employee directly. If the MRO is unable to contact the employee directly after making these efforts, the MRO would contact a representative of the employer and request that the employer direct the employee to contact the MRO as soon as possible. If the employer cannot get hold of the employee within a reasonable time, the employer may place the employee on medical leave or temporary medically unqualified status. If the employer representative does contact the individual, the MRO may declare the test a verified positive if, after five days have passed from a documented contact instructing the employee to talk to the MRO, the employee has not done so. To protect employees, the MRO may reexamine the verification if the employee documents that exigent circumstances prevented the employee from contacting the MRO in time.

A new paragraph (h) has been added after the end of this section concerning



the disclosure of other medical information. It provides that the MRO may disclose medical information learned as part of the testing/verification process only if the MRO concludes that the information concerns use of medications or a medical condition that could result in the employee becoming medically unqualified under applicable DOT rules or which otherwise could adversely effect transportation safety. The MRO would inform the employee, at the start of the verification interview, of the potential disclosure of such information.

**Section 40.35 Protection of employee records.** A sentence has been added at the end of this section providing that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer or the decisionmaker in a lawsuit, grievance or other formal proceeding initiated by or on behalf of the individual and arising from a verified positive drug test (including a challenge to a DOT agency's action concerning an employee; medical certificate, license, or other document).

**Section 40.39 Use of DHHS-certified laboratories.** The section number for this section has been changed from § 40.41 to § 40.39. The last two sentences of the section, referring to the DHHS certification standards set forth in appendix A, have been deleted, as has the old appendix A itself.

#### Enforcement Considerations

Although not directly as a part of this rulemaking, a number of persons have raised concerns about the enforcement of the Department's drug testing programs. The six operating administration rules to which part 40 procedures apply are part of existing statutory and regulatory systems. Generally, they will be enforced in the same way as the rest of those systems. For example, FAA and FHWA personnel inspect the equipment and records of the carriers they regulate. If they find rule violations, they may initiate enforcement proceedings and impose civil penalties. The FAA or FHWA personnel would add review of compliance with drug testing requirements to the other checks they make of employers' compliance with safety rules.

During the initial stages of the implementation of the Department's drug testing rules, the Department's focus will be on assisting employers to comply with the regulations, not on penalizing inadvertent or minor errors. At the same time, the Department will not tolerate intentional violations of the

rules or deliberate schemes to avoid compliance.

For example, one major industry association has expressed concern that sham consortiums could be created. Such a sham would allow members to claim that covered employees were being tested, but little or no testing would actually take place. If the Department were to determine that such a sham consortium existed, the Department would take all enforcement action possible under its regulations and, since false statements or fraudulent documentation may be involved, refer appropriate cases to Federal law enforcement authorities for possible criminal prosecution.

#### Regulatory Process Matters

This is not a major rule under Executive Order 12291. It is a significant rule under the Department's Regulatory Policies and Procedures, since it affects several operating administrations and the industries they regulate. The costs of conducting drug testing conforming with these procedures were analyzed in the regulatory evaluations or regulatory impact analyses for the operating administration drug-testing rules. The provisions of this final rule which may affect costs are relatively few. Use of a sealed collection container/specimen bottle is likely to add only marginally to program costs; this is already common practice, in any case. Since the use of a "split sample" is not mandatory, any costs incurred by employers for this purpose are assumed to be voluntary. The elimination of the "batch reporting" requirement may result in marginal savings to labs and employers in reporting costs.

There should be significant saving to larger employers because of reductions in blind testing requirements. The maximum number of blind samples to be submitted per quarter has also been lowered. The costs to employers should be reduced proportionately. Costs will also be lower because of projected reductions in per sample costs (e.g., to \$10-20 per sample, according to information from DHHS).

This saving will be offset, to some degree, by adding blind sample requirements for smaller companies. But the low rate of testing for these companies, added to the lower-cost alternatives for blind samples, should mean that individual employers will not face a heavy burden. For example, a trucking company with 50 covered drivers (assuming a 50 percent random testing rate and the replacement of half of its drivers per year) would have to submit only three blind samples every two years, at minimal cost.

This rule will affect small entities in all the industries covered by DOT operating administration drug rules. The basic small entity impacts of each rule have been considered as part of the operating administrations' rulemakings. The rule to which these amendments apply includes steps to reduce small entity impacts in such areas as inspections, submission of blind samples, and permanent log books. Consequently, the Department certifies that 49 CFR part 40 will not have a significant economic impact on a substantial number of small entities.

The Department has considered the federalism implications of this rule under Executive Order 12612. The Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Federalism implications of individual operating administrations' drug rules are discussed in those rulemaking documents.

The reporting and recordkeeping requirements referenced in this regulation have been submitted for Paperwork Reduction Act approval to the Office of Management and Budget by the respective DOT operating administrations in connection with their own drug rules. This is because it is the operating administration rules, rather than this rule, that actually impose the requirements on regulated parties. However, the Office of the Secretary is seeking OMB approval under the Paperwork Reduction Act for the revised form. A Federal Register notice will be published when Paperwork Act Approval is obtained.

Issued this 27th day of November 1989 at Washington, DC.

Samuel K. Skinner,  
Secretary of Transportation.

#### List of Subjects in 49 CFR Part 40

Controlled substances,  
Transportation.

For the reasons set forth in the preamble, the Department of Transportation makes the following amendments in title 49, Code of Federal Regulations, part 40:

1. The authority citation for 49 CFR part 40 is revised to read as follows:

Authority: 49 U.S.C. 102, 301, 322.

2. 49 CFR part 40 is revised to read as follows:



# **PART 40—PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG TESTING PROGRAMS**

## **Sec.**

- 40.1 Applicability.
- 40.3 Definitions.
- 40.5-40.19 [Reserved]
- 40.21 The drugs.
- 40.23 Preparation for testing.
- 40.25 Specimen collection procedures.
- 40.27 Laboratory personnel.
- 40.29 Laboratory analysis procedures.
- 40.31 Quality assurance and quality control.
- 40.33 Reporting and review of results.
- 40.35 Protection of employee records.
- 40.37 Individual access to test and laboratory certification results.
- 40.39 Use of DHHS—certified laboratories.

## **Appendix A to Part 40—Drug Testing Custody and Control Form**

Authority: 49 U.S.C. 102, 301, 322.

### **§ 40.1 Applicability.**

This part applies to transportation employers (including self-employed individuals) conducting drug urine testing programs pursuant to regulations issued by agencies of the Department of Transportation and to such transportation employers' officers, employees, agents and contractors, to the extent and in the manner provided in DOT agency regulations.

### **§ 40.3 Definitions.**

For purposes of this part the following definitions apply:

**Aliquot.** A portion of a specimen used for testing.

**Blind sample or blind performance test specimen.** A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

**Chain of custody.** Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form (see § 40.23(a)) be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

**Collection container.** A container into which the employee urinates to provide the urine sample used for a drug test.

**Collection site.** A place designated by the employer where individuals present themselves for the purpose of providing

a specimen of their urine to be analyzed for the presence of drugs.

**Collection site person.** A person who instructs and assists individuals at a collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.

**Confirmatory test.** A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

**DHHS.** The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

**DOT agency.** An agency (or "operating administration") of the United States Department of Transportation administering regulations requiring compliance with this part, including the United States Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, the Federal Highway Administration, the Urban Mass Transportation Administration and the Research and Special Programs Administration.

**Employee.** An individual designated in a DOT agency regulation as subject to drug urine testing and the donor of a specimen under this part. As used in this part "employee" includes an applicant for employment, "Employee" and "individual" or "individual to be tested" have the same meaning for purposes of this part.

**Employer.** An entity employing one or more employees that is subject to DOT agency regulations requiring compliance with this part. As used in this part, "employer" includes an industry consortium or joint enterprise comprised of two or more employing entities, but no single employing entity is relieved of its responsibility for compliance with this part by virtue of participation in such a consortium or joint enterprise.

**Initial test (also known as screening test).** An immunoassay screen to eliminate "negative" urine specimens from further consideration.

**Medical Review Officer (MRO).** A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test

result together with his or her medical history and any other relevant biomedical information.

**Secretary.** The Secretary of Transportation or the Secretary's designee.

**Shipping container.** A container capable of being secured with a tamper proof seal that is used for transfer of one or more specimen bottle(s) and associated documentation from the collection site to the laboratory.

**Specimen bottle.** The bottle which, after being labeled and sealed according to the procedures in this part, is used to transmit a urine sample to the laboratory.

## **§§ 40.5-40.19 [Reserved]**

### **§ 40.21 The drugs.**

(a) DOT agency drug testing programs require that employers test for marijuana, cocaine, opiates, amphetamines and phencyclidine.

(b) An employer may include in its testing protocols other controlled substances or alcohol only pursuant to a DOT agency approval, if testing for those substances is authorized under agency regulations and if the DHHS has established an approved testing protocol and positive threshold for each such substance.

(c) Urine specimens collected under DOT agency regulations requiring compliance with this part may only be used to test for controlled substances designated or approved for testing as described in this section and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by DOT agency regulations.

(d) This section does not prohibit procedures reasonably incident to analysis of the specimen for controlled substances (e.g., determination of pH or tests for specific gravity, creatinine concentration or presence of adulterants).

### **§ 40.23 Preparation for testing.**

The employer and certified laboratory shall develop and maintain a clear and well-documented procedure for collection, shipment, and accessioning of urine specimens under this part. Such a procedure shall include, at a minimum, the following:

(a) Utilization of a standard drug testing custody and control form (carbonless manifold). The form shall be a multiple-part, carbonless record form with an original (copy 1), and a "second original" (copy 2), both of which shall accompany the specimen to the laboratory. Copies shall be provided for the Medical Review Officer (copy 3, to go directly to the MRO), the donor (copy



4), the collector (copy 5), and the employer representative (copy 6). If the employer desires to exercise the split sample option, then an additional copy of the urine custody and control form is required. This copy (copy 7) shall be the "split specimen original," and is to accompany the split specimen to the same lab, a second lab, or an employer storage site. There must be a positive link established between the first specimen and the split specimen through the specimen identification number; the split specimen identification number shall be an obvious derivative of the first specimen identification number. The form should be a permanent record on which identifying data on the donor, and on the specimen collection and transfer process, is retained. The form shall be constructed to display, at a minimum, the following elements, which shall appear on its respective parts as indicated:

(1) The following information shall appear on all parts of the form:

(i) A preprinted specimen identification number, which shall be unique to the particular collection. If the split sample option is exercised, the preprinted specimen identification number for split specimen shall be an obvious derivative of the first specimen; e.g., first specimen identification number suffixed "A," split specimen suffixed "B."

(ii) A block specifying the donor's employee identification number or Social Security number, which shall be entered by the collector.

(iii) A block specifying the employer's name, address, and identification number.

(iv) A block specifying the Medical Review Officer's name and address.

(v) Specification for which drugs the specimen identified by this form will be tested.

(vi) Specification for the reason for which this test conducted (preemployment, random, etc.), which shall be entered by the collector.

(vii) A block specifying whether or not the collector read the temperature within 4 minutes, and then notation, by the collector, that the temperature of specimen just read is within the range of 32.5–37.7°C/90.5–99.8°F; if not within the acceptable range, an area is provided to record the actual temperature.

(viii) A chain-of-custody block providing areas to enter the following information for each transfer of possession: Purpose of change; released by (signature/print name); received by (signature/print name); date. The words "Provide specimen for testing" and "DONOR" shall be preprinted in the initial spaces.

(ix) Information to be completed by the collector: Collector's name; date of collection; location of the collection site; a space for remarks at which unusual circumstances may be described; notation as to whether or not the split specimen was taken in accordance with Federal requirements if the option to offer the split specimen was exercised by the employer; and a certification statement as set forth below and a signature block with date which shall be completed by the collector:

I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.

(2) Information to be provided by the laboratory after analysis, which shall appear on parts 1, 2 and 7 (if applicable) of the form only: Accession number; laboratory name; address; a space for remarks; specimen results; and certification statement as set forth below, together with spaces to enter the printed name and signature of the certifying laboratory official and date:

I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen.

(3) A block to be completed by the Medical Review Officer (MRO), after the review of the specimen, which shall appear on parts 1, 2 and 7 (if applicable) of the form only, provides for the MRO's name, address, and certification, to read as follows, together with spaces for signature and date:

I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is:

(4) Information to be provided by the donor, which shall appear on parts 3 through 6 of the form only: Donor name (printed); daytime phone number; date of birth; and certification statement as set forth below, together with a signature block with date which shall be completed by the donor.

I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct.

(5) A statement to the donor which shall appear only on parts 3 and 4 of the form, as follows:

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications as a "memory jogger." THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4—Donor) of this form—DO NOT LIST ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE YOUR COPY WITH YOU.

A form meeting the requirements of this paragraph is displayed at appendix A to this part.

(6) The drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number) may not be provided to the laboratory. Donor medical information may appear only on the copy provided to the donor.

(b)(1) Use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean, single-use collection container (e.g., disposable cup or sterile urinal) that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided; and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.

(2) Use of a tamperproof sealing system, designed in a manner such to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form, and space shall be provided to initial the bottle affirming its identity. For purposes of clarity, this part assumes use of a system made up of one or more preprinted labels and seals (or a unitary label/seal), but use of other, equally effective technologies is authorized.



(c) Use of a shipping container in which the specimen and associated paperwork may be transferred and which can be sealed and initialed to prevent undetected tampering. In the split specimen option is exercised, the split specimen and associated paperwork shall be sealed in a shipping (or storage) container and initialed to prevent undetected tampering.

(d) Written procedures, instructions and training shall be provided as follows:

(1) Employer collection procedures and training shall clearly emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor, and is to avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

(2) A collection site person shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who is provided instructions for collection under this part and certifies completion as required in this part.

(i) A non-medical collection site person shall receive training in compliance with this part and shall demonstrate proficiency in the application of this part prior to serving as a collection site person. A medical professional, technologist or technician licensed or otherwise approved to practice in the jurisdiction in which the collection takes place is not required to receive such training if that person is provided instructions described in this part and performs collections in accordance with those instructions.

(ii) Collection site persons shall be provided with detailed, clear instructions on the collection of specimens in compliance with this part. Employer representatives and donors subject to testing shall also be provided standard written instructions setting forth their responsibilities.

(3) Unless it is impracticable for any other individual to perform this function, a direct supervisor of an employee shall not serve as the collection site person for a test of the employee. If the rules of a DOT agency are more stringent than this provision regarding the use of supervisors as collection site personnel, the DOT agency rules shall prevail with respect to testing to which they apply.

(4) In any case where a collection is monitored by non-medical personnel or is directly observed, the collection site person shall be of the same gender as the donor. A collection is monitored for this purpose if the enclosure provides less than complete privacy for the donor

(e.g., if a restroom stall is used and the collection site person remains in the restroom, or if the collection site person is expected to listen for use of unsecured sources of water.)

#### § 40.25 Specimen collection procedures.

(a) *Designation of collection site.* (1) Each employer drug testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. An independent medical facility may also be utilized as a collection site provided the other applicable requirements of this part are met.

(2) A designated collection site may be any suitable location where a specimen can be collected under conditions set forth in this part, including a properly equipped mobile facility. A designated collection site shall be a location having an enclosure within which private urination can occur, a toilet for completion of urination (unless a single-use collector is used with sufficient capacity to contain the void), and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.

(b) *Security.* The purpose of this paragraph is to prevent unauthorized access which could compromise the integrity of the collection process or the specimen.

(1) Procedures shall provide for the designated collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

(2) A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.

(3) If it is impractical to maintain continuous physical security of a

collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer. The mailer shall be immediately mailed, maintained in secure storage, or remain until mailed under the personal control of the collection site person.

(c) *Chain of custody.* The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

(d) *Access to authorized personnel only.* No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe specimen collection (under the conditions specified in this part). In order to promote security of specimens, avoid distraction of the collection site person and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under his or her supervision at any time. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the drug testing custody and control form has been executed, and the employee has departed the site (or, in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).

(e) *Privacy.* (1) Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

(2) For purposes of this part, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen:

(i) The employee has presented a urine specimen that falls outside the normal temperature range (32.5°-37.7 °C/90.5°-99.8 °F), and

(A) The employee declines to provide a measurement of oral body



temperature, as provided in paragraph (f)(14) of the part; or

(B) Oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen;

(ii) The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;

(iii) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.); or

(iv) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under a DOT agency regulation providing for follow-up testing upon or after return to service.

(3) A higher-level supervisor of the collection site person, or a designated employer representative, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in subparagraph (2) of this paragraph.

(f) *Integrity and identity of specimen.* Employers shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

(1) To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

(2) When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee

requests, the collection site person shall show his/her identification to the employee.

(3) If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.

(4) The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collection site personnel shall provide the employee a receipt for any personal belongings.

(5) The individual shall be instructed to wash and dry his or her hands prior to urination.

(6) After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.

(7) The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the individual with a specimen bottle or collection container, if applicable, for this purpose.

(8) The collection site person shall note any unusual behavior or appearance on the urine custody and control form.

(9) In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures: A collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the

toilet and to participate with the collection site person in completing the chain of custody procedures.

(10)(i) Upon receiving the specimen from the individual, the collection site person shall determine if it contains at least 60 milliliters of urine. If the individual is unable to provide a 60 milliliters of urine, the collection site person shall direct the individual to drink fluids and, after a reasonable time, again attempt to provide a complete sample using a fresh specimen bottle (and fresh collection container, if employed). The original specimen shall be discarded. If the employee is still unable to provide a complete specimen, the following rules apply:

(A) In the case of a post-accident test or test for reasonable cause (as defined by the DOT agency), the employee shall remain at the collection site and continue to consume reasonable quantities of fluids until the specimen has been provided or until the expiration of a period up to 8 hours from the beginning of the collection procedure.

(B) In the case of a preemployment test, random test, periodic test or other test not for cause (as defined by the DOT agency), the employer may elect to proceed as specified in paragraph (f)(10)(i)(A) of this section (consistent with any applicable restrictions on hours of service) or may elect to discontinue the collection and conduct a subsequent collection at a later time.

(C) If the employee cannot provide a complete sample within the up to 8-hour period or at the subsequent collection, as applicable, then the employer's MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen. (In preemployment testing, if the employer does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

(ii) The employer may, but is not required to, use a "split sample" method of collection.

(A) The donor shall urinate into a collection container, which the collection site person, in the presence of the donor, after determining specimen temperature, pours into two specimen bottles.

(B) The first bottle is to be used for the DOT-mandated test, and 60 ml of urine shall be poured into it. If there is no additional urine available for the second



specimen bottle, the first specimen bottle shall nevertheless be processed for testing.

(C) Up to 60 ml of the remainder of the urine shall be poured into the second specimen bottle.

(D) All requirements of this part shall be followed with respect to both samples, including the requirement that a copy of the chain of custody form accompany each bottle processed under "split sample" procedures.

(E) Any specimen collected under "split sample" procedures must be stored in a secured, refrigerated environment and an appropriate entry made in the chain of custody form.

(F) If the test of the first bottle is positive, the employee may request that the MRO direct that the second bottle be tested in a DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values of § 40.29. The MRO shall honor such a request if it is made within 72 hours of the employee's having actual notice that he or she tested positive.

(G) Action required by DOT regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the second test.

(H) If the result of the second test is negative, the MRO shall cancel the test.

(11) After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

(12) Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

(13) A specimen temperature outside the range of 32.5°–37.7 °C/90.5°–99.8 °F constitutes a reason to believe that the individual has altered or substituted the specimen (see paragraph (e)(2)(i) of this section). In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.

(14) Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings

shall be noted on the urine custody and control form.

(15) All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

(16) Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in paragraph (e)(2)(i) or (iii) of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

(17) Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamperproof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.

(18) The collection site person and the individual being tested shall be present at the same time during procedures outlined in paragraphs (f)(19)–(f)(22) of this section.

(19) The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamperproof seal shall also be applied.

(20) The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.

(21) The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.

(22)(i) The individual shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided.

(ii) When specified by DOT agency regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and

release of the results to the employer. The employee may not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

(23) The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.

(24) The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.

(25)(i) While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person leaves his or her work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.

(ii) The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the employer) a new collection begun.

(g) *Collection control.* To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.

(h) *Transportation to laboratory.* Collection site personnel shall arrange to ship the collected specimen to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely



sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date specimens were sealed in the shipping containers for shipment. The collection site person shall ensure that the chain of custody documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.

(i) *Failure to cooperate.* If the employee refuses to cooperate with the collection process, the collection site person shall inform the employer representative and shall document the non-cooperation on the drug testing custody and control form.

(j) *Employee requiring medical attention.* If the sample is being collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.

(k) *Use of chain of custody forms.* A chain of custody form (and a laboratory internal chain of custody document, where applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

#### § 40.27 Laboratory personnel.

(a) *Day-to-day management.* (1) The laboratory shall have a qualified individual to assume professional, organizational, educational, and administrative responsibility for the laboratory's urine drug testing facility.

(2) This individual shall have documented scientific qualifications in analytical forensic toxicology. Minimum qualifications are:

(i) Certification as a laboratory director by a State in forensic or clinical laboratory toxicology; or

(ii) A Ph.D. in one of the natural sciences with an adequate undergraduate and graduate education in biology, chemistry, and pharmacology or toxicology; or

(iii) Training and experience comparable to a Ph.D. in one of the natural sciences, such as a medical or scientific degree with additional training and laboratory/research experience in biology, chemistry, and pharmacology or toxicology; and

(iv) In addition to the requirements in paragraph (a)(2) (i), (ii), or (iii) of this

section, minimum qualifications also require:

(A) Appropriate experience in analytical forensic toxicology including experience with the analysis of biological material for drugs of abuse, and

(B) Appropriate training and/or experience in forensic applications of analytical toxicology, e.g., publications, court testimony, research concerning analytical toxicology of drugs of abuse, or other factors which qualify the individual as an expert witness in forensic toxicology.

(3) This individual shall be engaged in and responsible for the day-to-day management of the drug testing laboratory even where another individual has overall responsibility for an entire multi-specialty laboratory.

(4) This individual shall be responsible for ensuring that there are enough personnel with adequate training and experience to supervise and conduct the work of the drug testing laboratory. He or she shall assure the continued competency of laboratory personnel by documenting their in-service training, reviewing their work performance, and verifying their skills.

(5) This individual shall be responsible for the laboratory's having a procedure manual which is complete, up-to-date, available for personnel performing tests, and followed by those personnel. The procedure manual shall be reviewed, signed, and dated by this responsible individual whenever procedures are first placed into use or changed or when a new individual assumes responsibility for management of the drug testing laboratory. Copies of all procedures and dates on which they are in effect shall be maintained. (Specific contents of the procedure manual are described in § 40.29(n)(1).)

(6) This individual shall be responsible for maintaining a quality assurance program to assure the proper performance and reporting of all test results; for maintaining acceptable analytical performance for all controls and standards; for maintaining quality control testing; and for assuring and documenting the validity, reliability, accuracy, precision, and performance characteristics of each test and test system.

(7) This individual shall be responsible for taking all remedial actions necessary to maintain satisfactory operation and performance of the laboratory in response to quality control systems not being within performance specifications, errors in result reporting or in analysis of performance testing results. This individual shall ensure that sample

results are not reported until all corrective actions have been taken and he or she can assure that the tests results provided are accurate and reliable.

(b) *Test validation.* The laboratory's urine drug testing facility shall have a qualified individual(s) who reviews all pertinent data and quality control results in order to attest to the validity of the laboratory's test reports. A laboratory may designate more than one person to perform this function. This individual(s) may be any employee who is qualified to be responsible for day-to-day management or operation of the drug testing laboratory.

(c) *Day-to-day operations and supervision of analysts.* The laboratory's urine drug testing facility shall have an individual to be responsible for day-to-day operations and to supervise the technical analysts. This individual(s) shall have at least a bachelor's degree in the chemical or biological sciences or medical technology or equivalent. He or she shall have training and experience in the theory and practice of the procedures used in the laboratory, resulting in his or her thorough understanding of quality control practices and procedures; the review, interpretation, and reporting of test results; maintenance of chain of custody; and proper remedial actions to be taken in response to test systems being out of control limits or detecting aberrant test or quality control results.

(d) *Other personnel.* Other technicians or nontechnical staff shall have the necessary training and skills for the tasks assigned.

(e) *Training.* The laboratory's urine drug testing program shall make available continuing education programs to meet the needs of laboratory personnel.

(f) *Files.* Laboratory personnel files shall include: resume of training and experience, certification or license if any; references; job descriptions; records of performance evaluation and advancement; incident reports; and results of tests which establish employee competency for the position he or she holds, such as a test for color blindness, if appropriate.

#### § 40.29 Laboratory analysis procedures.

(a) *Security and chain of custody.* (1) Drug testing laboratories shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory process or to areas where records are stored. Access to these



secured areas shall be limited to specifically authorized individuals whose authorization is documented. With the exception of personnel authorized to conduct inspections on behalf of Federal agencies for which the laboratory is engaged in urine testing or on behalf of DHHS, all authorized visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, and time of entry and purpose of entry must be maintained.

(2) Laboratories shall use chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each urine specimen or aliquot in their possession and shall sign and complete chain of custody forms for those specimens or aliquots as they are received.

(b) *Receiving.* (1) When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen bottles within each package to the information on the accompanying chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen bottles and the employer's chain of custody forms attached to the shipment shall be immediately reported to the employer and shall be noted on the laboratory's chain of custody form which shall accompany the specimens while they are in the laboratory's possession.

(2) Specimen bottles generally shall be retained within the laboratory's accession area until all analyses have been completed. Aliquots and the laboratory's chain of custody forms shall be used by laboratory personnel for conducting initial and confirmatory tests.

(c) *Short-term refrigerated storage.* Specimens that do not receive an initial test within 7 days of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6°C. Emergency power equipment shall be available in case of prolonged power failure.

(d) *Specimen processing.* Laboratory facilities for urine drug testing will normally process specimens by grouping them into batches. The number of specimens in each batch may vary

significantly depending on the size of the laboratory and its workload. When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of 10 percent controls. Both quality control and blind performance test samples shall appear as ordinary samples to laboratory analysts.

(e) *Initial test.* (1) The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

	Initial test cutoff levels (ng/ml)
Marijuana metabolites.....	100
Cocaine metabolites.....	300
Opiate metabolites.....	*300
Phencyclidine.....	25
Amphetamines.....	1,000

\*25 ng/ml if immunoassay specific for free morphine.

(2) These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

(f) *Confirmatory test.* (1) All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

	Confirmatory test cutoff levels (ng/ml)
Marijuana metabolite <sup>1</sup> .....	15
Cocaine metabolite <sup>2</sup> .....	150
Opiates:	
Morphine.....	300
Codeine.....	300
Phencyclidine.....	25
Amphetamines:	
Amphetamine.....	500
Methamphetamine.....	500

<sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid.  
<sup>2</sup> Benzoylcegonine.

(2) These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

(g) *Reporting results.* (1) The laboratory shall report test results to the employer's Medical Review Officer within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen identification number (accession number).

(2) The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

(3) The Medical Review Officer may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative, and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the employer. *Provided*, that the MRO may reveal the quantitation of a positive test result to the employer, the employee, or the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.

(4) The laboratory may transmit results to the Medical Review Officer by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

(5) The laboratory shall send only to the Medical Review Officer the original or a certified true copy of the drug testing custody and control form (part 2), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

(6) The laboratory shall provide to the employer official responsible for coordination of the drug testing program a monthly statistical summary of



urinalysis testing of the employer's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the month covered by the summary. The summary shall contain the following information:

(i) Initial Testing:

(A) Number of specimens received;

(B) Number of specimens reported out; and

(C) Number of specimens screened positive for:

Marijuana metabolites

Cocaine metabolites

Opiate metabolites

Phencyclidine

Amphetamine

(ii) Confirmatory Testing:

(A) Number of specimens received for confirmation;

(B) Number of specimens confirmed positive for:

Marijuana metabolite

Cocaine metabolite

Morphine, codeine

Phencyclidine

Amphetamine

Methamphetamine

Monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the employer in writing.

(7) The laboratory shall make available copies of all analytical results for employer drug testing programs when requested by DOT or any DOT agency with regulatory authority over the employer.

(8) Unless otherwise instructed by the employer in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

(h) *Long-term storage.* Long-term frozen storage ( $-20^{\circ}\text{C}$  or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of 1 year all specimens confirmed positive, in their original labeled specimen bottles. Within this 1-year period, an employer (or other person designated in a DOT agency

regulation) may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of 1 year, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

(i) *Retesting specimens.* Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

(j) *Subcontracting.* Drug testing laboratories shall not subcontract and shall perform all work with their own personnel and equipment. The laboratory must be capable of performing testing for the five classes of drugs (marijuana, cocaine, opiates, phencyclidine and amphetamines) using the initial immunoassay and confirmatory GC/MS methods specified in this part. This paragraph does not prohibit subcontracting of laboratory analysis if specimens are sent directly from the collection site to the subcontractor, the subcontractor is a laboratory certified by DHHS as required in this part, the subcontractor performs all analysis and provides storage required under this part, and the subcontractor is responsible to the employer for compliance with this part and applicable DOT agency regulations as if it were the prime contractor.

(k) *Laboratory facilities.* (1) Laboratory facilities shall comply with applicable provisions of any State licensing requirements.

(2) Laboratories certified in accordance with DHHS Guidelines shall have the capability, at the same laboratory premises, of performing initial and confirmatory tests for each drug or metabolite for which service is offered.

(l) *Inspections.* The Secretary, a DOT agency, any employer utilizing the laboratory, DHHS or any organization performing laboratory certification on behalf of DHHS reserves the right to inspect the laboratory at any time. Employer contracts with laboratories for drug testing, as well as contracts for collection site services, shall permit the employer and the DOT agency of jurisdiction (directly or through an agent) to conduct unannounced inspections.

(m) *Documentation.* The drug testing laboratories shall maintain and make available for at least 2 years documentation of all aspects of the testing process. This 2 year period may be extended upon written notification

by a DOT agency or by any employer for which laboratory services are being provided. The required documentation shall include personnel files on all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; procedure manuals; all test data (including calibration curves and any calculations used in determining test results); reports; performance records on performance testing; performance on certification inspections; and hard copies of computer-generated data. The laboratory shall maintain documents for any specimen known to be under legal challenge for an indefinite period.

(n) *Additional requirements for certified laboratories.*—(1) *Procedure manual.* Each laboratory shall have a procedure manual which includes the principles of each test preparation of reagents, standards and controls, calibration procedures, derivation of results, linearity of methods, sensitivity of methods, cutoff values, mechanisms for reporting results, controls criteria for unacceptable specimens and results, remedial actions to be taken when the test systems are outside of acceptable limits, reagents and expiration dates, and references. Copies of all procedures and dates on which they are in effect shall be maintained as part of the manual.

(2) *Standards and controls.* Laboratory standards shall be prepared with pure drug standards which are properly labeled as to content and concentration. The standards shall be labeled with the following dates: when received; when prepared or opened; when placed in service; and expiration date.

(3) *Instruments and equipment.* (i) Volumetric pipettes and measuring devices shall be certified for accuracy or be checked by gravimetric, colorimetric, or other verification procedure. Automatic pipettes and dilutors shall be checked for accuracy and reproducibility before being placed in service and checked periodically thereafter.

(ii) There shall be written procedures for instrument set-up and normal operation, a schedule for checking critical operating characteristics for all instruments, tolerance limits for acceptable function checks and instructions for major trouble shooting and repair. Records shall be available on preventive maintenance.

(4) *Remedial actions.* There shall be written procedures for the actions to be taken when systems are out of acceptable limits or errors are detected. There shall be documentation that these



procedures are followed and that all necessary corrective actions are taken. There shall also be in place systems to verify all stages of testing and reporting and documentation that these procedures are followed.

(5) *Personnel available to testify at proceedings.* A laboratory shall have qualified personnel available to testify in an administrative or disciplinary proceeding against an employee when that proceeding is based on positive urinalysis results reported by the laboratory.

#### § 40.31 Quality assurance and quality control.

(a) *General.* Drug testing laboratories shall have a quality assurance program which encompasses all aspects of the testing process including but not limited to specimen acquisition, chain of custody security and reporting of results, initial and confirmatory testing and validation of analytical procedures. Quality assurance procedures shall be designed, implemented and reviewed to monitor the conduct of each step of the process of testing for drugs.

(b) *Laboratory quality control requirements for initial tests.* Each analytical run of specimens to be screened shall include:

(1) Urine specimens certified to contain no drug;

(2) Urine specimens fortified with known standards; and

(3) Positive controls with the drug or metabolite at or near the cutoff level.

In addition, with each batch of samples a sufficient number of standards shall be included to ensure and document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable values are obtained for the known standards, those values will be used to calculate sample data. Implementation of procedures to ensure the carryover does not contaminate the testing of an individual's specimen shall be documented. A minimum of 10 percent of all test samples shall be quality control specimens. Laboratory quality control samples, prepared from spiked urine samples of determined concentration shall be included in the run and should appear as normal samples to laboratory analysts. One percent of each run, with a minimum of at least one sample, shall be the laboratory's own quality control samples.

(c) *Laboratory quality control requirements for confirmation tests.* Each analytical run of specimens to be confirmed shall include:

(1) Urine specimens certified to contain no drug;

(2) Urine specimens fortified with known standards; and

(3) Positive controls with the drug or metabolite at or near the cutoff level. The linearity and precision of the method shall be periodically documented. Implementation of procedures to ensure that carryover does not contaminate the testing of an individual's specimen shall also be documented.

(d) *Employer blind performance test procedures.*

(1) Each employer covered by DOT agency drug testing regulations shall use blind testing quality control procedures as provided in this paragraph.

(2) Each employer shall submit three blind performance test specimens for each 100 employee specimens it submits, up to a maximum of 100 blind performance test specimens submitted per quarter. A DOT agency may increase this per quarter maximum number of samples if doing so is necessary to ensure adequate quality control of employers or consortiums with very large numbers of employees.

(3) For employers with 2000 or more covered employees, approximately 80 percent of the blind performance test samples shall be blank (i.e., containing no drug or otherwise as approved by a DOT agency) and the remaining samples shall be positive for one or more drugs per sample in a distribution such that all the drugs to be tested are included in approximately equal frequencies of challenge. The positive samples shall be spiked only with those drugs for which the employer is testing. This paragraph shall not be construed to prohibit spiking of other (potentially interfering) compounds, as technically appropriate, in order to verify the specificity of a particular assay.

(4) Employers with fewer than 2000 covered employees may submit blind performance test specimens as provided in paragraph (d)(3) of this section. Such employers may also submit only blank samples or may submit two separately labeled portions of a specimen from the same non-covered employee.

(5) Consortiums shall be responsible for the submission of blind samples on behalf of their members. The blind sampling rate shall apply to the total number of samples submitted by the consortium.

(6) The DOT agency concerned shall investigate, or shall refer to DHHS for investigation, any unsatisfactory performance testing result and, based on this investigation, the laboratory shall take action to correct the cause of the unsatisfactory performance test result. A record shall be made of the investigative findings and the corrective

action taken by the laboratory, and that record shall be dated and signed by the individual responsible for the day-to-day management and operation of the drug testing laboratory. Then the DOT agency shall send the document to the employer as a report of the unsatisfactory performance testing incident. The DOT agency shall ensure notification of the finding to DHHS.

(7) Should a false positive error occur on a blind performance test specimen and the error is determined to be an administrative error (clerical, sample mixup, etc.), the employer shall promptly notify the DOT agency concerned. The DOT agency and the employer shall require the laboratory to take corrective action to minimize the occurrence of the particular error in the future, and, if there is reason to believe the error could have been systemic, the DOT agency may also require review and reanalysis of previously run specimens.

(8) Should a false positive error occur on a blind performance test specimen and the error is determined to be a technical or methodological error, the employer shall instruct the laboratory to submit all quality control data from the batch of specimens which included the false positive specimen to the DOT agency concerned. In addition, the laboratory shall retest all specimens analyzed positive for that drug or metabolite from the time of final resolution of the error back to the time of the last satisfactory performance test cycle. This retesting shall be documented by a statement signed by the individual responsible for day-to-day management of the laboratory's urine drug testing. The DOT agency concerned may require an on-site review of the laboratory which may be conducted unannounced during any hours of operation of the laboratory. Based on information provided by the DOT agency, DHHS has the option of revoking or suspending the laboratory's certification or recommending that no further action be taken if the case is one of less serious error in which corrective action has already been taken, thus reasonably assuring that the error will not occur again.

#### § 40.33 Reporting and review of results.

(a) *Medical review officer shall review confirmed positive results.* (1) An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a DOT agency regulation.



An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer (MRO) prior to the transmission of the results to employer administrative officials. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.

(2) The duties of the MRO with respect to negative results are purely administrative.

(b) *Medical review officer—qualifications and responsibilities.* (1) The MRO shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of a transportation employer or a private physician retained for this purpose.

(2) The MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the MRO has no responsibility for, and is not supervised by or the supervisor of, any persons who have responsibility for the drug testing or quality control operations of the laboratory.

(3) The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results or urine samples that are not obtained or processed in accordance with this part.

(c) *Positive test result.* (1) Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with him or her.

(2) The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph (c)(5) of this section, the MRO shall talk directly with

the employee before verifying a test as positive.

(3) If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated management official who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated management official, the designated management official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.

(4) If, after making all reasonable efforts, the designated management official is unable to contact the employee, the employer may place the employee on temporary medically unqualified status or medical leave.

(5) The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:

(i) The employee expressly declines the opportunity to discuss the test;

(ii) The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO (see paragraphs (c)(3) and (4) of this section), and more than five days have passed since the date the employee was successfully contacted by the designated employer representative; or

(iii) Other circumstances provided for in DOT agency drug testing regulations.

(6) If a test is verified positive under the circumstances specified in paragraph (c)(5)(ii) of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.

(7) Following verification of a positive test result, the MRO shall, as provided in the employer's policy, refer the case to the employer's employee assistance or rehabilitation program, if applicable, to the management official empowered to recommend or take administrative action (or the official's designated agent), or both.

(d) *Verification for opiates; review for prescription medication.* Before the MRO verifies a confirmed positive result

for opiates, he or she shall determine that there is clinical evidence—in addition to the urine test—of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). (This requirement does not apply if the employer's GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.)

(e) *Reanalysis authorized.* Should any question arise as to the accuracy or validity of a positive test result, only the Medical Review Officer is authorized to order a reanalysis of the original sample and such retests are authorized only at laboratories certified by DHHS. The Medical Review Officer shall authorize a reanalysis of the original sample if requested to do so by the employee within 72 hours of the employee's having received actual notice of the positive test. If the retest is negative, the MRO shall cancel the test.

(f) *Result consistent with legal drug use.* If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the employer as negative.

(g) *Result scientifically insufficient.* Additionally, the MRO, based on review of inspection reports, quality control data, multiple samples, and other pertinent results, may determine that the result is scientifically insufficient for further action and declare the test specimen negative. In this situation the MRO may request reanalysis of the original sample before making this decision. (The MRO may request that reanalysis as provided in § 40.33(e) be performed by the same laboratory or, that an aliquot of the original specimen be sent for reanalysis to an alternate laboratory which is certified in accordance with the DHHS Guidelines.) The laboratory shall assist in this review process as requested by the MRO by making available the individual responsible for day-to-day management of the urine drug testing laboratory or other employee who is a forensic toxicologist or who has equivalent forensic experience in urine drug testing, to provide specific consultation as required by the employer. The employer shall include in any required annual report to a DOT agency a summary of any negative findings based on scientific insufficiency but shall not include any personal identifying information in such reports.

(h) *Disclosure of information.* Except as provided in this paragraph, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process.



(1) The MRO may disclose such information to the employer, a DOT agency or other Federal safety agency, or a physician responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, as applicable, only if—

(i) An applicable DOT regulation permits or requires such disclosure;

(ii) In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule; or

(iii) In the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety-sensitive function could pose a significant safety risk.

(2) Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

**§ 40.35 Protection of employee records.**

Employer contracts with laboratories shall require that the laboratory maintain employee test records in confidence, as provided in DOT agency regulations. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer, or the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

**§ 40.37 Individual access to test and laboratory certification results.**

Any employee who is the subject of a drug test conducted under this part shall, upon written request, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review, or revocation-of-certification proceedings.

**§ 40.39 Use of DHHS—certified laboratories.**

Employers subject to this part shall use only laboratories certified under the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 53 FR 11970, April 11, 1988, and subsequent amendments thereto.

BILLING CODE 4910-62-M



## APPENDIX A—DRUG TESTING CUSTODY AND CONTROL FORM

Drug Testing  
Custody and  
Control FormEMPLOYEE I.D. No. or  
SOCIAL SECURITY No.SPECIMEN IDENTIFICATION  
No. 123456

DATE \_\_\_\_\_

DONOR'S  
INITIAL \_\_\_\_\_

SIGNATURE OF COLLECTOR \_\_\_\_\_

## TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER	
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS	
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____	
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____	
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No	TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—if NOT, record actual temp: _____*

## TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

## TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	SPECIMEN IDENTIFICATION No. 123456 SHIPPING BOX CUSTODY SEAL  FEDERAL REGULATIONS PROHIBIT DISCLOSURE OF THE DONOR'S IDENTITY TO THE LABORATORY. DONOR SHALL COMPLETE INFORMATION IN SECTION VII (COPY 3) ONLY.
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## TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
	COLLECTION SITE LOCATION	
	REMARKS CONCERNING COLLECTION:	Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
	I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labeled and sealed as in accordance with applicable Federal requirements.	
	SIGNATURE OF COLLECTOR: _____	

## TO BE COMPLETED BY THE LABORATORY

IX.	I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen.		ACCESSION NO.
	LABORATORY	ADDRESS	
	REMARKS:		
	(PRINT) Certifying Scientist's Name (Last, First, Middle)	Signature of Certifying Scientist	Date
	THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE SCREENING AND CONFIRMATION CUTOFF LEVELS ESTABLISHED BY THE HHS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS (found only on copies one and two):		
	<input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE, for the following: <input type="checkbox"/> Cannabinoids as Carboxy-THC <input type="checkbox"/> Amphetamines <input type="checkbox"/> Cocaine Metabolites as Benzoyllecgonine <input type="checkbox"/> amphetamines <input type="checkbox"/> Phencyclidine <input type="checkbox"/> methamphetamines <input type="checkbox"/> Opiates <input type="checkbox"/> Codeine <input type="checkbox"/> Morphine		

## TO BE COMPLETED BY MEDICAL REVIEW OFFICER

X.	I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is: (Check one) <input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE	
	SIGNATURE OF MEDICAL REVIEW OFFICER: _____	DATE: _____

COPY 1—ORIGINAL—MUST ACCOMPANY SPECIMEN TO LABORATORY—LABORATORY RETAINS



# Drug Testing Custody and Control Form

 EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.

 SPECIMEN IDENTIFICATION  
No. 123456

## TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____*

## TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

## TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	SPECIMEN IDENTIFICATION No. 123456
	FEDERAL REGULATIONS PROHIBIT DISCLOSURE OF THE DONOR'S IDENTITY TO THE LABORATORY. DONOR SHALL COMPLETE INFORMATION IN SECTION VII (COPY 3) ONLY.

## TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
	COLLECTION SITE LOCATION	
	REMARKS CONCERNING COLLECTION:	Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
	I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.	
	SIGNATURE OF COLLECTOR: _____	

## TO BE COMPLETED BY THE LABORATORY

IX.	I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen.	ACCESSION NO.
	LABORATORY	ADDRESS
	REMARKS:	
	(PRINT) Certifying Scientist's Name (Last, First, Middle)	Signature of Certifying Scientist    Date
	THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE SCREENING AND CONFIRMATION CUTOFF LEVELS ESTABLISHED BY THE HHS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS (found only on copies one and two):	
	<input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE for the following: <input type="checkbox"/> Cannabinoids as Carboxy-THC <input type="checkbox"/> Amphetamines <input type="checkbox"/> Cocaine Metabolites as Benzoylcegonine <input type="checkbox"/> amphetamines <input type="checkbox"/> Phenocyclidine <input type="checkbox"/> methamphetamines <input type="checkbox"/> Opiates <input type="checkbox"/> _____ <input type="checkbox"/> Codeine <input type="checkbox"/> Morphine	

## TO BE COMPLETED BY MEDICAL REVIEW OFFICER

X.	I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is: (Check one) <input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE
	SIGNATURE OF MEDICAL REVIEW OFFICER: _____ DATE: _____

 COPY 2—2ND ORIGINAL—MUST ACCOMPANY SPECIMEN TO LABORATORY  
 LAB SENDS TO MRO WITH TEST RESULTS IN SECT. IX



# Drug Testing Custody and Control Form

 EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.

 SPECIMEN IDENTIFICATION  
No. 123456

## TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____*

## TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

## TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	NAME (Last, First, Middle)	SPECIMEN IDENTIFICATION No. 123456	DAYTIME PHONE NUMBER	DATE OF BIRTH
DONOR CERTIFICATION: I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct.				
SIGNATURE: _____ DATE: _____				
Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications as a "memory jogger." THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4—Donor) of this form—DO NOT LIST ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE YOUR COPY WITH YOU.				

## TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
COLLECTION SITE LOCATION		
REMARKS CONCERNING COLLECTION:		Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labeled and sealed as in accordance with applicable Federal requirements.		
SIGNATURE OF COLLECTOR: _____		

COPY 3—TO MEDICAL REVIEW OFFICER



# Drug Testing Custody and Control Form

EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.

SPECIMEN IDENTIFICATION  
No. 123456

## TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____*

## TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

## TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	NAME (Last, First, Middle)	SPECIMEN IDENTIFICATION No. 123456	DAYTIME PHONE NUMBER	DATE OF BIRTH
DONOR CERTIFICATION: I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct.  SIGNATURE: _____ DATE: _____  Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications as a "memory jogger." THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4—Donor) of this form—DO NOT LIST ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE YOUR COPY WITH YOU.				

## TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
COLLECTION SITE LOCATION		
REMARKS CONCERNING COLLECTION:		Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.  SIGNATURE OF COLLECTOR: _____		

COPY 4—DONOR

## BACK-SIDE OF COPY 4—DONOR

LIST PRESCRIPTION DRUGS. IT IS NOT REQUIRED, AND IS FOR YOUR USE ONLY.



**Drug Testing  
Custody and  
Control Form**EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.SPECIMEN IDENTIFICATION  
No. 123456**TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____*

**TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER**

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

**TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN**

VII.	NAME (Last, First, Middle)	SPECIMEN IDENTIFICATION No. 123456	
DONOR CERTIFICATION: I certify that I provided my urine specimen to the collector, that the specimen bottle was sealed with a tamper-proof seal in my presence, and that the information provided on this form and on the label affixed to the specimen bottle is correct.			
SIGNATURE: _____ DATE: _____			

**TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)**

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
COLLECTION SITE LOCATION		
REMARKS CONCERNING COLLECTION:		Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.		
SIGNATURE OF COLLECTOR: _____		

COPY 5—COLLECTOR



# Drug Testing Custody and Control Form

EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.

SPECIMEN IDENTIFICATION \*  
No. 123456

TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE			
I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER		
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS		
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____		
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____		
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____*		
TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER			
VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name
	Provide Specimen for Testing	— DONOR —	
TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN			
VII.	NAME (Last, First, Middle)	SPECIMEN IDENTIFICATION No. 123456	
DONOR CERTIFICATION: I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct.			
SIGNATURE: _____ DATE: _____			
TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)			
VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION	
	COLLECTION SITE LOCATION		
	REMARKS CONCERNING COLLECTION:		
	Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.			
SIGNATURE OF COLLECTOR: _____			

COPY 6—EMPLOYER



# Drug Testing Custody and Control Form

EMPLOYEE I.D. No. or  
SOCIAL SECURITY No.SPECIMEN IDENTIFICATION  
No. 123456SPLIT

DATE

DONOR'S  
INITIAL

SIGNATURE OF COLLECTOR

## TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes: <input type="checkbox"/> Yes <input type="checkbox"/> No    TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.8°F <input type="checkbox"/> Yes <input type="checkbox"/> No—if NOT, record actual temp: _____°

## TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

## TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	SPECIMEN IDENTIFICATION No. 123456SPLIT SHIPPING BOX CUSTODY SEAL  FEDERAL REGULATIONS PROHIBIT DISCLOSURE OF THE DONOR'S IDENTITY TO THE LABORATORY. DONOR SHALL COMPLETE INFORMATION IN SECTION VII (COPY 3) ONLY.
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## TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
	COLLECTION SITE LOCATION	
	REMARKS CONCERNING COLLECTION:	Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
	I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements.	
	SIGNATURE OF COLLECTOR: _____	

## TO BE COMPLETED BY THE LABORATORY

IX.	I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen.	ACCESSION NO.
	LABORATORY	ADDRESS
	REMARKS:	
	(PRINT) Certifying Scientist's Name (Last, First, Middle) _____ Signature of Certifying Scientist _____ Date _____	
	THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE SCREENING AND CONFIRMATION CUTOFF LEVELS ESTABLISHED BY THE HHS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS (found only on copies one and two): <input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE, for the following: <input type="checkbox"/> Cannabinoids as Carboxy-THC <input type="checkbox"/> Amphetamines <input type="checkbox"/> Cocaine Metabolites as Benzoyllecgonine <input type="checkbox"/> amphetamines <input type="checkbox"/> Phencyclidine <input type="checkbox"/> methamphetamines <input type="checkbox"/> Opiates <input type="checkbox"/> Codeine <input type="checkbox"/> Morphine	

## TO BE COMPLETED BY MEDICAL REVIEW OFFICER

X.	I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination verification is: (Check one) <input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE	DATE
	SIGNATURE OF MEDICAL REVIEW OFFICER: _____	

COPY 7—SPLIT SPECIMEN ORIGINAL—MUST ACCOMPANY SPLIT SPECIMEN  
TO LABORATORY—LABORATORY RETAINS



**49 CFR Part 40****Announcement of Conferences on DOT-Required Drug Testing**

**AGENCY:** Department of Transportation, Office of the Secretary.

**ACTION:** Notice of conferences.

**SUMMARY:** The Department of Transportation is sponsoring a series of conferences on Implementing Programs for a Drug-Free Transportation System. This notice concerns the dates, locations, agenda, and registration information for these conferences.

**DATES:** Conferences are scheduled for the following dates in the following cities:

December 7-8, 1989—Washington, DC.

December 19-20, 1989—Los Angeles, California

January 4-5, 1990—New Orleans, Louisiana

January 18-19—Chicago, Illinois

January 30-31, 1990—Boston, Massachusetts

February 7-8, 1990—Denver, Colorado

February 22-23—Dallas, Texas

**FOR FURTHER INFORMATION CONTACT:**

Donna Smith, Drug Awareness and Education Division, Office of Personnel, Department of Transportation, 400 7th Street, SW., Room 9103, Washington, DC 20590. (202-366-6000). (See supplementary information for phone number and address of contact for conference registration.)

**SUPPLEMENTARY INFORMATION:** In November 1988, the Department of

Transportation published regulations requiring drug testing programs in the aviation, maritime, railroad, mass transit, pipeline, and motor carrier industries. Employers in these industries must begin drug testing between December 1989 and December 1990. The Department is pleased that those who are responsible for transportation safety are responding positively to the challenge of implementing this significant and complex program.

As we approach the starting dates for drug testing, it is important for DOT, industry, and other concerned parties to work together to implement these requirements effectively. To this end, the Department is sponsoring a series of conferences, at the times and places listed above, to examine the issues surrounding drug testing and methods to implement drug programs in the transportation industries in accordance with DOT regulations.

The conferences are designed to provide a forum for discussing the rules and how to implement them. Participants will be able to discuss implementation issues, firsthand, with DOT staff responsible for carrying out the regulations.

Each conference will be one and one half days in length. The first day will include an overview of DOT drug testing regulations, an introduction to 49 CFR part 40 (the Department's Drug Testing Procedures rule, a revision of which is being published in today's **Federal Register**; detailed discussion of such issues under part 40 as collection

procedures, the chain of custody form, the testing process, quality control measures, and the role of the medical review officer; and the drug awareness and training requirements of the DOT rules. The second day (a half-day) will feature industry break-out sessions, in which employers in each industry will meet with DOT operating administration staff to discuss implementation issues of particular interest to that industry.

Conference participation will be limited to 300 at each site. Based on the number of responses received, the number of participants from a particular organization may be limited. The conference registration fee will be \$50 per person. Attendees will be responsible for their own hotel reservations and charges. The hotels at which each conference will be held will be announced at a later date.

For registration materials and information, you should contact the Department's consultant who is administering the conferences, Ricard International Incorporated (RII), 1010 Wayne Avenue, Silver Spring, Maryland 20910. Contact persons at RII are John Smith, Loraine Price, and Sonny Bloom. RII phone numbers are 301-589-6248 (voice) and 301-565-5112 (fax).

Issued this 28th day of November, 1989, at Washington, DC.

Melissa J. Allen,  
Deputy Assistant Secretary for  
Administration.

[FR Doc. 89-28229 Filed 11-30-89; 8:45 am]

BILLING CODE 4910-62-M



# **Register Federal**

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**Friday  
December 1, 1989**

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## **Part IV**

### **Department of Housing and Urban Development**

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**Office of Assistant Secretary for  
Housing-Federal Housing Commissioner**

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**24 CFR Part 888**

**Section 8 Housing Assistance Payments  
Program; Fair Market Rents for New  
Construction and Substantial  
Rehabilitation, All Market Areas, Fiscal  
Year 1988**



# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

## 24 CFR Part 888

[Docket No. N-89-1961; FR-2634-N-02]

### Section 8 Housing Assistance Payments Program, Fair Market Rents for New Construction and Substantial Rehabilitation, All Market Areas; Fiscal Year 1988

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Final notice.

**SUMMARY:** Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document announces final Fiscal Year 1988 FMRs for the Section 8 New Construction Program and the Section 8 Substantial Rehabilitation Program. These FMRs are based on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They also reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Program.

**EFFECTIVE DATE:** December 1, 1989, retroactive to September 15, 1988.

**FOR FURTHER INFORMATION CONTACT:** Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone (202) 426-7624. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments to owners on

behalf of eligible families. Total housing expense represents the total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. Where the unit is leased to an eligible family, the housing assistance payment represents the difference between the total housing expense and the total family contribution. Initial contract rents plus any allowances for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department.

Section 8(c)(1) of the Act states that the Secretary shall establish FMRs periodically, but not less frequently than annually. Section 8(c)(1) further provides that the Department shall publish FMRs in the *Federal Register*, with reasonable time for public comment, and that the FMRs will become effective upon their publication in final form in the *Federal Register*. The Department published proposed Fiscal Year 1988 FMRs in the *Federal Register* on May 22, 1989, at 54 FR 22190, with a comment due date of June 21, 1989.

#### Discussion of Public Comments

The Department received 33 comments on the proposed notice that was published on May 22, 1989. The comments received were distributed as follows: three from HUD Field Offices; 17 from community development agencies; two from non-profit associations; three from private consultants; five from nonprofit housing sponsors; two from individuals; and one from a management agent.

Virtually all comments included the general statement that the FMRs were inadequate for their particular jurisdictions. In addition to this general comment, the following substantive issues were raised and addressed by the Department as follows:

1. Twenty-one commenters questioned whether the proposed rents met the HUD criteria stated in the proposed notice that FMRs are based primarily on the level of rent paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff and trended to October 1, 1989, to allow for the period of construction or rehabilitation of the projects involved.

One HUD Field Office commenter indicated that Field Office staff proposed FMR increases that were much higher than those indicated in the proposed notice, and that the proposed FMRs, as published, do not reflect market reality.

The Department disagrees with the commenters on this issue. The FMRs have their foundation in local market data since their genesis in the annual rent survey conducted by each Field Office in preparation of the annual revisions to the FMR schedules. In addition, the preamble states that they also "reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs." Therefore, while the Department acknowledges that the published rents may, in some cases, be lower than the rents proposed by HUD Field Offices, the published rents are nonetheless consistent with the criteria specified in the preamble.

2. Four commenters made the point that the intent of the Section 202 regulations is to provide funding for 100% of the development costs of Section 202 projects. Moreover, FMRs do not reflect typical rents for specialized housing for the elderly or handicapped.

Construction cost data was never intended to be, and still is not, the primary consideration in establishing FMRs and FMR limits. Moreover, the Department's policies and procedures strictly preclude the selection of HUD subsidized projects as rental comparables in developing FMRs for any given market area. As required by the Congress, HUD procedures for establishing FMRs for any market area rely on market rental comparables reflecting local market conditions. In addition, consistent with our regulations, the FMRs for the elderly and handicapped are increased five percent above the published FMRs specifically to take specialized housing factors into consideration.

3. One commenter said that the trend percentage appears to be low at four percent versus actual rental trends in the market.

The four percent adjustment was based on the Fiscal Year 1988 housing index published by the Bureau of Labor Statistics.

4. Six commenters stated that Section 202 sponsors were required to build a project in 1988 with FMRs established in Fiscal Year 1986, despite construction cost increases during that time interval.

To prevent such an inequity, this Notice has been revised to permit the Fiscal Year 1986 and Fiscal Year 1987 Section 202 selections, in certain instances, to use the Fiscal Year 1988 FMR schedules published as a Proposed Notice on May 22, 1989, and which this Notice publishes for effect. As discussed later under *Applicability* for Section



202/Section 8 projects, in certain instances the FMRs may be increased by up to 20 percent provided the project meets the Department's cost containment standards. In addition, in certain instances the contract rents may be based upon the higher of the FMRs set forth in Schedule A below or the FMRs in effect on the date of the Notice of the Section 202 Fund Reservation provided the proposal proceeds to initial loan closing on or before September 30, 1990. Furthermore, for Section 202 projects with Section 8 assistance selected during Fiscal Year 1985 and earlier, in certain instances increased FMRs may apply. This also is discussed later under *Applicability* for Section 202/Section 8 projects.

5. Six commenters stated that in several Oregon market areas the Fiscal Year 1988 Existing Housing FMRs were higher than the proposed New Construction and Substantial Rehabilitation FMRs.

In response to this claim, our analysis shows that for the Portland market area the New Construction and Substantial Rehabilitation two bedroom FMRs are actually higher than the Existing Housing FMRs for the locality for some structural categories such as detached and 5+-story buildings.

Existing Housing FMRs are published from rental surveys that include a mixture of various structural types that are not separately identified; whereas the New Construction and Substantial Rehabilitation FMRs are published from market surveys of rentals for individual structural types such as detached, semi-detached/row, walkup, 2-4-story elevator, and 5+-story elevator buildings. Therefore, the Existing Housing FMRs normally do not lend themselves to a valid comparison with the New Construction and Substantial Rehabilitation FMRs.

#### This Notice

Today's document announces the Fiscal Year 1988 FMRs for new construction and substantial rehabilitation that apply to Section 8 New Construction under part 880, Substantial Rehabilitation under Part 881, Housing Finance and Development Agencies under part 883, New Construction Set-Aside for Section 515 Rural Rental Housing Projects under part 884, Housing for the Elderly and Handicapped under part 885, and Disposition of HUD-owned projects under part 886, subpart C.

The Fiscal Year 1988 FMRs are based on the levels of rent paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by

HUD Field Office staff, trended ahead to October 1, 1989, to allow time for the period of construction or rehabilitation of the projects involved. They are estimates of rentals that prospective tenants who are not receiving Federal rent subsidies would be willing and able to pay for recently completed or newly constructed dwelling units of modest design and with suitable amenities. They do not necessarily represent rents needed to support construction and operating costs.

This Notice includes FMRs for 0, 1, 2, 3 and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, 2-4-story elevator and 5+-story elevator buildings). Construction or rehabilitation of elevator projects for families with children is prohibited unless there is no practical alternative. FMRs for family units in elevator structures are proposed for appropriate market areas; however, the determination that there is "no practical alternative" must be made on a project-by-project basis. HUD regulations also provide that high-rise elevator projects for the elderly may be approved only if HUD determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

With the publication for effect in the *Federal Register*, these FMRs will be made retroactive to September 15, 1988.

#### Section 202/Section 8 Projects

##### *Applicability*

A. For Section 202 projects with Section 8 assistance, beginning with Federal Fiscal Year 1986 selections, the FMRs on which the contract rents will be based will be the FMRs applicable to projects for the elderly or handicapped published and in effect on the date of the Notice of Section 202 Fund Reservation, except as follows:

1. These FMRs may be increased by up to 10 percent with the approval of the Field Office Manager or by up to 20 percent with the approval of the Assistant Secretary for Housing—Federal Housing Commissioner, provided that the project meets the Department's cost containment efforts.

2. For Section 202 proposals with Section 8 assistance selected in FY 1986 and FY 1987, the FMRs on which the contract rents will be based will be the FMRs set forth in Schedule A that follows this preamble, provided that the proposal proceeds to initial loan closing on or before September 30, 1990.

However, for all projects where the FMRs in Schedule A that follows are lower than the FMRs in effect on the date of the Notice of the Section 202

Fund Reservation, the contract rents shall be based upon the higher of:

- a. the FMRs set forth in Schedule A, or
- b. the FMRs in effect on the date of the Notice of Section 202 Fund Reservation.

The decision concerning appropriate FMRs to use in project processing will be based upon an entire schedule rather than selectively choosing the highest unit rents from the currently effective FMR schedule or a previously published schedule for that area.

B. For Section 202 projects with Section 8 assistance selected during Federal Fiscal Year 1985 and earlier, and for Section 8 projects under the Section 8 New Construction and Substantial Rehabilitation Program, the applicable FMRs are those in effect on the date that the proposal or application for assistance was submitted to HUD (or by the Farmers Home Administration (FmHA) in the case of assistance under part 884, or by the State Agency in the case of assistance under part 883). The following exceptions apply:

1. For all projects where the FMRs are increased after the completion date of a processing stage, the increased FMRs will apply to all subsequent processing in reviewing contract rents and utilities.

2. For all projects where the FMRs are decreased after the completion date of a processing stage, the applicable FMR will be the higher of:

a. The FMR set forth in Schedule A of the annual publication of Fair Market Rents, or

b. The FMR set forth in a previously published schedule that was in effect at the time that the application was submitted.

#### Other Information

HUD regulations in 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the FMRs set forth in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance program number and title for the activities covered by this Notice are 14.156, Lower Housing Assistance Program (Section 8).

Accordingly, the Department revises schedule A of 24 CFR part 888 to read as set forth below.

Authority: Sec. 8(c)(1), U.S. Housing Act of 1937, 42 U.S.C. 1437f; sec. 7(d), Department of



Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 27, 1989.

C. Austin Fitts,

Assistant Secretary, Housing—Federal Housing Commissioner.

#### **PART 888—[AMENDED]**

#### **Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation**

##### **Notes**

##### **Special Category Computations**

1. FMRs for dwelling units designed for the elderly or handicapped are those for appropriate size units, not to exceed two bedrooms for the elderly, multiplied by 1.05.
2. Congregate housing dwelling unit FMRs are the same as for noncongregate units.
3. Single-room occupancy dwelling unit FMRs (applicable only for substantial rehabilitation projects) are 75 percent of

those for zero-bedroom units of the same structural type.

4. FMRs for living units in a group home developed with a direct loan under Section 202 of the Housing Act of 1959 are those for zero-bedroom or a one-bedroom unit of the walkup structural type (or if the group home contains an elevator, of the 2 to 4-story structural type). Each living unit in a group home is composed of a bedroom plus a proportionate part of common living space ordinarily included in a living unit. One-bedroom FMRs may be applied only when the bedroom space plus the proportionate part of the common space totals at least 450 square feet, provided that the project conforms to the following criteria:

- a. The project meets HUD's cost containment guidelines, and
  - b. Use of the one bedroom FMR must be necessary in order to assure the economic feasibility and financial soundness of the project.
5. Manufactured home (unit and space) FMRs shall be 95 percent of the rents for detached units of the appropriate bedroom

size (except that where a manufactured home FMR is specified in the schedule for an area, the amount in the schedule shall be the FMR).

6. FMRs for manufactured home spaces in newly constructed or substantially rehabilitated manufactured home parks are determined by multiplying by 1.25 the FMRs for the spaces published for the Existing Housing Program. (For currently effective FMRs for the Existing Housing Program, see Federal Register documents published on April 29, 1987 (52 FR 15630), March 18, 1988 (53 FR 8886), September 21, 1988 (53 FR 36700), and May 19, 1989 (54 FR 21812).)

##### **Rent Computations**

All rents computed in accordance with this note shall be rounded down to the nearest whole dollar.

Similarly, all FMRs increased by up to 10 percent with the approval of the HUD Field Office Manager, or by up to 20 percent with the approval of the HUD Assistance Secretary for Housing, should have the result rounded down to the nearest whole dollar.

BILLING CODE 4210-27-M



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON REGIONAL OFFICE

STRUCTURE TYPE	MARKET: BOSTON				MARKET: WORCESTER				MARKET: FALL RIVER			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
DETACHED	683	689	809	954 1057	604	611	751	876 1005	601	607	768	931 943
SEMI-DETACHED/ROW	594	671	804	887 1007	545	580	728	826 949	565	586	725	830 871
WALKUP	616	748	865	1107 1209	556	639	766		585	607	741	
ELEVATOR 2-4 STY	621	753	870	1208 1334	584	673	805		590	639	774	
ELEVATOR 5+ STY												
MANUFACTURED HOME												
	EFFECTIVE DATE 100187				EFFECTIVE DATE 100187				EFFECTIVE DATE 100187			
	TRENDED DATE 100189				TRENDED DATE 100189				TRENDED DATE 100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

HARTFORD OFFICE

STRUCTURE TYPE	MARKET: HARTFORD					MARKET: NEW HAVEN					MARKET: NEW LONDON					MARKET: NEW MILFORD				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	584	598	690	781	805	556	579	652	768	826	514	519	665	742	791	538	562	648	723	742
SEMI-DETACHED/ROW	496	576	655	740	764	495	554	628	716	740	463	497	654	735	762	467	542	616	694	718
WALKUP	503	585	661			509	570	668			468	513	679			472	549	621		
ELEVATOR 2-4 STY	520	636	732			527	629	744			494	567	700			488	597	689		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: WINDHAM					MARKET: BRIDGEPORT					MARKET: RIDGEFIELD					MARKET: NORWICH				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	506	512	573	641	668	575	580	669	725	758	668	673	776	849	879	525	572	648	723	742
SEMI-DETACHED/ROW	419	488	547	607	625	481	557	632	703	728	557	649	738	826	850	475	553	628	695	717
WALKUP																				
ELEVATOR 2-4 STY						488	584	640			567	658	745			483	561	633		
ELEVATOR 5+ STY	462	539	615			508	617	711			585	716	824			500	600	700		
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 1

## MANCHESTER OFFICE

STRUCTURE TYPE	MARKET: MAINE STATEWIDE NUMBER OF BEDROOMS					MARKET: VERMONT STATE NUMBER OF BEDROOMS					MARKET: NEW HAMPSHIRE ST. NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	468	595	671	766	899	513	616	716	798	898	503	593	664	765	889
SEMI-DETACHED/ROW	419	510	597	677	765	459	538	639	721	795	444	498	573	652	742
WALKUP	469	561	706			521	595	705			469	568	654		
ELEVATOR 2-4 STY	521	626	786			578	659	783			521	630	727		
ELEVATOR 5+ STY															
MANUFACTURED HOME															
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

PROVIDENCE OFFICE

STRUCTURE TYPE	MARKET: PROVIDENCE NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED	536	656	882	1027	1149
SEMI-DETACHED/ROW	481	651	723	744	874
WALKUP	488	646	841		
ELEVATOR 2-4 STY	494	653	849		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE	100187
TRENDING DATE	100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO OFFICE

MARKET: BUFFALO		MARKET: ELMIRA		MARKET: JAMESTOWN		MARKET: ROCHESTER	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	435 455 531 625 723	358 415 521 617 688	440 469 545 625 715	456 460 538 625 706	456 460 538 625 706	456 460 538 625 706	456 460 538 625 706
WALKUP	346 410 493 579 617	310 359 472 585 663	361 424 504 579 669	354 413 496 563 635	354 413 496 563 635	354 413 496 563 635	354 413 496 563 635
ELEVATOR 2-4 STY	454 500 663	381 465 596	442 521 640	458 521 625	458 521 625	458 521 625	458 521 625
ELEVATOR 5+ STY	494 540 702	419 503 635	481 561 679	497 561 668	497 561 668	497 561 668	497 561 668
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: ALBANY		MARKET: PLATTSBURGH		MARKET: SYRACUSE		MARKET: BINGHAMTON	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	471 477 572 696 771	488 493 538 621 693	427 438 520 626 703	415 420 508 607 674	415 420 508 607 674	415 420 508 607 674	415 420 508 607 674
WALKUP	407 465 545 642 728	387 424 491 575 655	341 409 498 569 655	359 410 481 565 639	359 410 481 565 639	359 410 481 565 639	359 410 481 565 639
ELEVATOR 2-4 STY	413 500 633	432 511 621	346 454 576	364 446 567	364 446 567	364 446 567	364 446 567
ELEVATOR 5+ STY	443 548 682	471 551 666	384 495 619	398 474 610	398 474 610	398 474 610	398 474 610
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEW YORK REGIONAL OFFICE

STRUCTURE TYPE	MARKET: NEW YORK CITY					MARKET: SUFFOLK					MARKET: WESTCHESTER					MARKET: ORANGE					
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	
DETACHED	687	692	953	1131	1382	797	844	1000	1054	1278	1425	677	682	799	985	1072	563	612	732	873	955
SEMI-DETACHED/ROW	621	649	884	1058	1279	640	745	897	977	1079		534	637	762	921	1010	498	572	695	816	903
WALKUP	664	853	912	1151	1351	822	966	1176				659	755	928			667	722	912		
ELEVATOR 2-4 STY	866	1054	1171	1487	1699	888	990	1236				715	849	988			717	820	1002		
ELEVATOR 5+ STY																					
MANUFACTURED HOME																					
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187					EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189					TRENDING DATE	100189				TRENDING DATE	100189			

STRUCTURE TYPE	MARKET: ROCKLAND					MARKET: NASSAU					MARKET: PUTNAM					MARKET: POUGHKEEPSIE				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	586	675	842	1024	1100	708	715	922	1046	1159	587	592	754	905	987	502	534	639	731	803
SEMI-DETACHED/ROW	501	636	795	923	1022	552	688	834	958	1061	478	561	647	809	940	425	509	633	679	754
WALKUP	567	683	848			568	703	875			672	762	833			648	757	872		
ELEVATOR 2-4 STY	620	739	894			575	807	933			720	828	920			677	786	942		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK OFFICE

MARKET: NEWARK		MARKET: NORTH BERGEN		MARKET: FREEHOLD		MARKET: CAMDEN	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	1163 1300 1382	1156 1233 1375	1070 1204 1289	624 629 769 935 1022	624 629 769 935 1022	624 629 769 935 1022	624 629 769 935 1022
WALKUP	657 731 927 1076 1170	722 795 922 1059 1162	648 722 839 982 1076	465 539 662 819 917	465 539 662 819 917	465 539 662 819 917	465 539 662 819 917
ELEVATOR 2-4 STY	578 647 829 962 1054	640 707 822 954 1047	568 633 742 868 961	598 671 817 980 1067	598 671 817 980 1067	598 671 817 980 1067	598 671 817 980 1067
ELEVATOR 5+ STY	668 743 947 1103 1191	729 804 940 1035 1184	555 730 852 1009 1096	683 770 959 1136 1232	683 770 959 1136 1232	683 770 959 1136 1232	683 770 959 1136 1232
MANUFACTURED HOME	751 842 1075 1259 1356	813 904 1068 1252 1349	739 830 980 1163 1264				
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189
MARKET: ATLANTIC CITY		MARKET: BURLINGTON		MARKET: GLOUCESTER		MARKET: TRENTON	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	982 1112 1177	1020 1150 1229	1020 1150 1229	574 629 777 935 1022	574 629 777 935 1022	574 629 777 935 1022	574 629 777 935 1022
WALKUP	653 658 750 895 984	621 629 789 935 1022	493 555 702 833 917	475 553 668 830 917	475 553 668 830 917	475 553 668 830 917	475 553 668 830 917
ELEVATOR 2-4 STY	523 586 664 795 878	493 555 702 833 917	599 671 830 980 1067	599 671 828 980 1057	599 671 828 980 1057	599 671 828 980 1057	599 671 828 980 1057
ELEVATOR 5+ STY	630 702 792 942 1026	599 671 830 980 1067	683 770 959 1136 1232	683 770 959 1136 1232	683 770 959 1136 1232	683 770 959 1136 1232	683 770 959 1136 1232
MANUFACTURED HOME	715 802 920 1096 1194	683 770 959 1136 1232					
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189
MARKET: VINELAND		MARKET: ASBURY PARK					
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS				
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+				
SEMI-DETACHED/ROW	895 1024 1103	1026 1162 1243	1026 1162 1243				
WALKUP	560 580 664 807 897	593 666 793 940 1034	593 666 793 940 1034				
ELEVATOR 2-4 STY	414 494 576 707 792	511 578 692 826 918	511 578 692 826 918				
ELEVATOR 5+ STY	553 630 705 854 941	600 675 810 967 1053	600 675 810 967 1053				
MANUFACTURED HOME	645 730 833 1010 1108	683 781 938 1121 1222	683 781 938 1121 1222				
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187				
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

CARIBBEAN OFFICE

STRUCTURE TYPE	MARKET: SAN JUAN					MARKET: MAYAGUEZ					MARKET: PONCE					MARKET: ARECIBO				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			518	576	639			500	550	612			464	514	575			495	545	606
SEMI-DETACHED/ROW	428	439	491	535	596	401	439	464	508	570	365	402	427	471	534	396	434	459	502	565
WALKUP	361	417	463	505	546	343	408	436	477	520	336	373	399	441	484	343	404	430	472	515
ELEVATOR 2-4 STY																				
ELEVATOR 5+ STY	413	463	530	611	675	385	437	543	588	658	385	437	517	551	622	385	437	543	582	653
MANUFACTURED HOME																				
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

STRUCTURE TYPE	MARKET: ST. CROIX					MARKET: ST. THOMAS					MARKET: OLD SAN JUAN				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			653	737	849			963	1051	1186					
SEMI-DETACHED/ROW	432	504	592	684	779	648	716	825	950	1078	572	617	647	702	775
WALKUP	367	432	525	591	554	520	605	746	830	931	538	581	614	665	714
ELEVATOR 2-4 STY						525	632	772							
ELEVATOR 5+ STY															
MANUFACTURED HOME															
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

BALTIMORE OFFICE

STRUCTURE TYPE	MARKET: BALTIMORE					MARKET: HAGERSTOWN					MARKET: SALISBURY							
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS							
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+			
DETACHED			755	852	1002			653	767	884			641	707	830			
SEMI-DETACHED/ROW	452	529	612	725	938	368	490	576	651	846	413	452	521	603	777			
WALKUP	409	524	602	720	778	368	485	570	646	676	345	447	515	597	672			
ELEVATOR 2-4 STY			442	552	654		393	492	576			358	490	537				
ELEVATOR 5+ STY			488	602	730		427	497	590			395	515	625				
MANUFACTURED HOME																		
	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187
	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

CHARLESTON OFFICE

STRUCTURE TYPE	MARKET: CHARLESTON					MARKET: BLUEFIELD					MARKET: HUNTINGTON					MARKET: PARKERSBURG				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	346	420	532	637	735	303	392	489	553	595	312	401	498	584	645	272	352	450	522	575
SEMI-DETACHED/ROW	325	415	521	532	601	298	381	449	502	552	262	390	493	556	610	267	341	423	495	546
WALKUP	425	523	591			422	502	562			399	474	569			411	495	600		
ELEVATOR 2-4 STY	438	530	597			430	509	570			405	481	575			420	502	608		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
STRUCTURE TYPE	MARKET: WHEELING					MARKET: MARTINSBURG					MARKET: FAIRMONT					MARKET: POINT PLEASANT				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	274	363	460	566	627	293	367	459	550	627	345	425	524	592	664	272	352	446	519	572
SEMI-DETACHED/ROW	269	352	455	526	574	283	342	454	526	595	340	415	504	556	613	259	341	438	488	543
WALKUP	395	472	573			441	492	547			472	519	578			409	488	547		
ELEVATOR 2-4 STY	400	479	578			452	497	554			480	525	585			414	497	555		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 3

## PHILADELPHIA REGIONAL OFFICE

MARKET: PHILADELPHIA		MARKET: ALLENTOWN		MARKET: BELLEFONTE		MARKET: HARRISBURG	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	612 766 886 993	492 511 636 744 822	451 517 549 713 799	516 521 574 713 799	411 480 555 686 746	467 542 598	505 586 649
WALKUP	479 540 682 774 856	436 480 598 699 780	408 480 544 686 748	407 482 598 679 762	407 482 598 679 762	504 561 668	536 597 711
ELEVATOR 2-4 STY	582 604 756	515 543 637	465 548 636	504 561 668	504 561 668	504 561 668	504 561 668
ELEVATOR 5+ STY	641 720 849	529 581 713	503 601 705	503 601 705	503 601 705	503 601 705	503 601 705
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: LANCASTER		MARKET: YORK		MARKET: READING		MARKET: SCRANTON	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	479 485 596 733 762	479 485 596 733 762	505 511 612 735 818	475 542 629 684 779	407 482 598 679 762	407 482 598 679 762	407 482 598 679 762
WALKUP	400 468 584 695 732	400 468 584 690 732	407 490 587 694 762	407 490 587 694 762	407 490 587 694 762	407 490 587 694 762	407 490 587 694 762
ELEVATOR 2-4 STY	486 562 730	484 562 730	465 548 636	465 548 636	465 548 636	465 548 636	465 548 636
ELEVATOR 5+ STY	511 587 755	509 587 755	503 601 705	503 601 705	503 601 705	503 601 705	503 601 705
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: WELLSBORO		MARKET: WELLSBORO		MARKET: WELLSBORO		MARKET: WELLSBORO	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	418 517 624 716 799	418 517 624 716 799	418 517 624 716 799	418 517 624 716 799	418 517 624 716 799	418 517 624 716 799	418 517 624 716 799
WALKUP	408 489 589 686 727	408 489 589 686 727	408 489 589 686 727	408 489 589 686 727	408 489 589 686 727	408 489 589 686 727	408 489 589 686 727
ELEVATOR 2-4 STY	447 522 649	447 522 649	447 522 649	447 522 649	447 522 649	447 522 649	447 522 649
ELEVATOR 5+ STY	497 561 693	497 561 693	497 561 693	497 561 693	497 561 693	497 561 693	497 561 693
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PITTSBURGH OFFICE

STRUCTURE TYPE	MARKET: PITTSBURGH					MARKET: ERIE					MARKET: ALTOONA					MARKET: JOHNSTOWN									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
DETACHED	487	585	686	762	892	462	555	641	713	834	376	453	547	639	772	394	467	546	643	777					
SEMI-DETACHED/ROW	418	497	579	695	813	369	455	541	628	703	358	441	542	623	717	361	445	536	616	702					
WALKUP	531	595	686			521	578	672			518	584	618			484	520	623							
ELEVATOR 2-4 STY	548	620	729			540	596	722			531	601	657			493	559	656							
ELEVATOR 5+ STY																									
MANUFACTURED HOME																									
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 3

## RICHMOND OFFICE

STRUCTURE TYPE	MARKET: NORTON					MARKET: HARRISONBURG					MARKET: NEWPORT NEWS					MARKET: NORFOLK				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	364	375	451	547	610	379	419	488	563	638	413	418	481	600	653	442	447	534	605	657
SEMI-DETACHED/ROW	276	343	436	542	597	327	389	483	557	620	328	372	449	538	599	384	433	512	600	650
WALKUP	312	378	471			363	424	519			364	407	484			419	468	547		
ELEVATOR 2-4 STY	342	425	563			394	488	568			467	555	638			490	597	692		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: CHARLOTTESVILLE					MARKET: RICHMOND				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	463	469	554	655	696	426	433	502	587	638
SEMI-DETACHED/ROW	385	436	522	580	646	351	412	492	580	632
WALKUP	420	471	557			387	446	526		
ELEVATOR 2-4 STY	465	563	698			438	532	657		
ELEVATOR 5+ STY										
MANUFACTURED HOME										
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WASHINGTON D.C. OFFICE

MARKET: WASHINGTON D.C.

NUMBER OF BEDROOMS  
-0- -1- -2- -3- -4+

STRUCTURE TYPE

DETACHED  
SEMI-DETACHED/ROW  
WALKUP  
ELEVATOR 2-4 STY  
ELEVATOR 5+ STY  
MANUFACTURED HOME

581 653 716 796 898  
468 553 629 729 814  
505 610 787  
566 652 846

EFFECTIVE DATE 100187  
TRENDED DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 3

## WILMINGTON

STRUCTURE TYPE	MARKET: WILMINGTON, DEL NUMBER OF BEDROOMS				MARKET: DOVER, DEL NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
DETACHED	475	480	587	705 774	436	441	530	653 712
SEMI-DETACHED/ROW	397	460	543	631 676	384	419	476	568 614
WALKUP	438	512	646		395	485	574	
ELEVATOR 2-4 STY	466	594	658		419	536	637	
ELEVATOR 5+ STY								
MANUFACTURED HOME								
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDING DATE	100189			TRENDING DATE	100189		

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

ATLANTA REGIONAL OFFICE

STRUCTURE TYPE	MARKET: ATLANTA					MARKET: ALBANY					MARKET: AUGUSTA					MARKET: BRUNSWICK				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	466	497	564	681	724	336	375	439	511	557	344	370	434	495	527	364	405	461	536	596
SEMI-DETACHED/ROW	453	481	551	667	708	324	364	428	500	546	334	360	421	485	517	351	393	455	523	572
WALKUP	483	511	579			350	390	454			359	385	448			382	421	486		
ELEVATOR 2-4 STY						404	444	509			409	435	498			438	476	544		
ELEVATOR 5+ STY	541	576	659																	
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: COLUMBUS					MARKET: MACON					MARKET: ROME					MARKET: SAVANNAH				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	340	378	423	543	584	365	400	448	496	557	319	346	399	474	530	375	414	498	565	613
SEMI-DETACHED/ROW	325	364	410	529	570	361	382	437	480	536	307	333	394	461	516	362	400	485	552	600
WALKUP	353	394	438			391	413	463			333	359	420			390	434	513		
ELEVATOR 2-4 STY	413	454	495			446	480	517			396	416	478			446	490	569		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: VALDOSTA				MARKET: VALDOSTA			
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-
DETACHED	314	356	424	509	557	314	356	424
SEMI-DETACHED/ROW	302	337	414	484	545	302	337	414
WALKUP	331	372	444			331	372	444
ELEVATOR 2-4 STY	385	428	497			385	428	497
ELEVATOR 5+ STY								
MANUFACTURED HOME								
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187	
	TRENDING DATE	100189				TRENDING DATE	100189	

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 4

## BIRMINGHAM OFFICE

STRUCTURE TYPE	MARKET: BIRMINGHAM			MARKET: DOTHAN			MARKET: FLORENCE			MARKET: HUNTSVILLE		
	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	379 386 459 555 595	583 709 802	333 363 421 506 552	333 363 421 506 552	333 363 421 506 552	333 363 421 506 552	341 368 437 531 575	341 368 437 531 575	399 404 483 570 620	399 404 483 570 620	399 404 483 570 620	399 404 483 570 620
WALKUP	341 379 445 536 576	341 379 445 536 576	327 358 415 487 532	327 358 415 487 532	327 358 415 487 532	327 358 415 487 532	319 362 423 511 559	319 362 423 511 559	337 398 476 555 612	337 398 476 555 612	337 398 476 555 612	337 398 476 555 612
ELEVATOR 2-4 STY	352 399 471	352 399 471	339 375 438	339 375 438	339 375 438	339 375 438	334 375 447	334 375 447	386 429 518	386 429 518	386 429 518	386 429 518
ELEVATOR 5+ STY	366 419 498	366 419 498	345 386 455	345 386 455	345 386 455	345 386 455	347 388 460	347 388 460	398 449 544	398 449 544	398 449 544	398 449 544
MANUFACTURED HOME	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189
	MARKET: MOBILE			MARKET: MONTGOMERY			MARKET: TUSCALOOSA					
	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
DETACHED	353 382 456 535 575	554 700 789	367 372 473 561 616	367 372 473 561 616	367 372 473 561 616	367 372 473 561 616	379 397 461 561 600	379 397 461 561 600	351 391 447 544 583	351 391 447 544 583	351 391 447 544 583	351 391 447 544 583
SEMI-DETACHED/ROW	334 375 452 522 561	334 375 452 522 561	340 366 453 555 608	340 366 453 555 608	340 366 453 555 608	340 366 453 555 608	351 391 447 544 583	351 391 447 544 583	374 411 473	374 411 473	374 411 473	374 411 473
WALKUP	351 386 469	351 386 469	352 386 479	352 386 479	352 386 479	352 386 479	374 411 473	374 411 473	388 427 497	388 427 497	388 427 497	388 427 497
ELEVATOR 2-4 STY	357 398 486	357 398 486	365 405 506	365 405 506	365 405 506	365 405 506	388 427 497	388 427 497				
ELEVATOR 5+ STY	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
MANUFACTURED HOME	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA OFFICE

[illegible]

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 4

## GREENSBORO OFFICE

MARKET: GREENSBORO		MARKET: ASHEVILLE		MARKET: CHARLOTTE		MARKET: DURHAM	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	400 413 493 543 652	389 395 465 589 673	430 437 517 598 691	405 411 506 608 695	405 411 506 608 695	405 411 506 608 695	405 411 506 608 695
WALKUP	349 408 488 538 648	332 389 448 560 647	369 432 512 593 686	381 405 501 601 690	381 405 501 601 690	381 405 501 601 690	381 405 501 601 690
ELEVATOR 2-4 STY	372 444 516	369 425 485	395 461 548	416 442 536	416 442 536	416 442 536	416 442 536
ELEVATOR 5+ STY	530 570 691	483 543 641	532 572 686	529 576 701	529 576 701	529 576 701	529 576 701
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: GREENVILLE		MARKET: RALEIGH		MARKET: WINSTON-SALEM		MARKET: FAYETTEVILLE	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	345 377 453 516 596	445 458 534 594 683	385 400 465 544 629	364 373 438 510 586	364 373 438 510 586	364 373 438 510 586	364 373 438 510 586
WALKUP	303 372 447 511 591	381 451 527 589 676	323 395 459 539 623	322 368 434 504 580	322 368 434 504 580	322 368 434 504 580	322 368 434 504 580
ELEVATOR 2-4 STY	337 395 470	411 474 551	352 418 490	353 402 470	353 402 470	353 402 470	353 402 470
ELEVATOR 5+ STY	454 512 606	543 608 768	508 543 651	500 594	500 594	500 594	500 594
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: WILMINGTON		MARKET: ELIZABETH CITY					
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS				
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+				
SEMI-DETACHED/ROW	381 386 465 527 598	332 390 444 541 617	296 345 438 522 588				
WALKUP	327 381 459 522 603	296 345 438 522 588	323 395 475				
ELEVATOR 2-4 STY	361 402 481	450 508 612					
ELEVATOR 5+ STY	473 525 631						
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON OFFICE

STRUCTURE TYPE	MARKET: JACKSON					MARKET: CORINTH					MARKET: GREENVILLE					MARKET: GREENWOOD				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	388	426	525	613	676	303	354	422	531	613	388	430	498	541	629	363	411	473	506	613
SEMI-DETACHED/ROW	355	421	476	564	630	288	344	417	519	573	349	397	475	503	579	323	381	448	470	540
WALKUP	437	541	629			390	477	558			451	504	632			461	504	584		
ELEVATOR 2-4 STY	447	552	644			403	489	573			465	519	651			471	516	599		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: GULFPORT					MARKET: HATTIESBURG					MARKET: SOUTHAVEN				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	401	423	488	564	613	333	385	476	547	616	350	434	519	600	684
SEMI-DETACHED/ROW	337	390	444	543	607	292	348	439	487	536	337	414	494	573	629
WALKUP	451	500	624			414	444	551			459	509	613		
ELEVATOR 2-4 STY	462	512	639			425	455	567			468	521	628		
ELEVATOR 5+ STY															
MANUFACTURED HOME															
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSONVILLE OFFICE

STRUCTURE TYPE	MARKET: JACKSONVILLE					MARKET: PENSACOLA					MARKET: KEY WEST					MARKET: MIAMI				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	428	492	573	642	693	387	433	508	568	626	544	611	680	778	867	544	611	680	778	867
SEMI-DETACHED/ROW	379	424	523	631	686	328	376	457	539	575	544	611	680	778	867	544	611	680	778	867
WALKUP	446	497	626			384	436	531			524	579	721			524	579	721		
ELEVATOR 2-4 STY	501	553	698			433	491	593			595	663	824			595	663	824		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: TAMPA					MARKET: ORLANDO				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	437	499	576	655	773	423	486	598	660	732
SEMI-DETACHED/ROW	386	440	530	622	686	396	459	543	616	693
WALKUP	483	541	664			473	539	657		
ELEVATOR 2-4 STY	569	631	764			550	613	726		
ELEVATOR 5+ STY										
MANUFACTURED HOME										
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

LOUISVILLE OFFICE

STRUCTURE TYPE	MARKET: LOUISVILLE					MARKET: COVINGTON					MARKET: OWENSBORO					MARKET: PADUCAH				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	406	458	543	611	700	376	429	501	585	688	332	388	474	548	646	334	390	477	551	650
SEMI-DETACHED/ROW	390	436	516	594	652	359	407	472	553	646	316	367	448	516	600	318	369	451	519	603
WALKUP	420	471	549			389	442	514			345	401	487			347	403	490		
ELEVATOR 2-4 STY	455	513	596			425	485	567			380	443	539			382	446	542		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

STRUCTURE TYPE	MARKET: PIKEVILLE			
	-0-	-1-	-2-	-3-
DETACHED	440	479	572	647
SEMI-DETACHED/ROW	408	453	522	598
WALKUP	455	489	587	
ELEVATOR 2-4 STY	493	556	646	
ELEVATOR 5+ STY				
MANUFACTURED HOME				
	EFFECTIVE DATE 100187			
	TRENDED DATE 100189			

PREPARED ON 102789



**SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)**

**REGION 4**

**KNOXVILLE OFFICE**

STRUCTURE TYPE	MARKET: KNOXVILLE					MARKET: CHATTANOOGA					MARKET: JOHNSON CITY					MARKET: KINGSFORD								
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+				
DETACHED			481	562	599			493	584	623			471	546	584			471	546	584				
SEMI-DETACHED/ROW	379	417	466	551	589	439	442	481	567	607	359	385	460	536	567	359	385	460	536	567				
WALKUP	364	390	454	541	578	401	430	465	555	595	347	369	449	514	556	343	360	449	497	536				
ELEVATOR 2-4 STY	390	412	481			430	453	493			385	407	471			385	407	471						
ELEVATOR 5+ STY	412	439	492			453	481	521			407	433	497			407	433	497						
MANUFACTURED HOME																								
	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187
	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189

STRUCTURE TYPE	MARKET: OAKRIDGE				MARKET: KNOXVILLE				MARKET: CHATTANOOGA				MARKET: JOHNSON CITY				MARKET: KINGSFORD			
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			481	562	599			493	584	623			359	385	460	359	385	460	536	567
SEMI-DETACHED/ROW	379	417	466	551	589	439	442	481	567	607	359	385	460	536	567	359	385	460	536	567
WALKUP	364	390	454	541	578	401	430	465	555	595	347	369	449	514	556	343	360	449	497	536
ELEVATOR 2-4 STY	390	412	481			430	453	493			385	407	471			385	407	471		
ELEVATOR 5+ STY	412	439	492			453	481	521			407	433	497			407	433	497		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187
	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

NASHVILLE OFFICE

STRUCTURE TYPE	MARKET: NASHVILLE					MARKET: CLARKSVILLE					MARKET: COLUMBIA					MARKET: MEMPHIS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	391	435	494	584	629	332	373	436	517	570	321	345	409	527	564	332	377	439	491	561
SEMI-DETACHED/ROW	358	414	486	577	623	307	350	431	504	565	287	338	397	512	557	296	332	387	467	502
WALKUP	369	435	494			332	379	448			294	358	405			345	414	488		
ELEVATOR 2-4 STY	376	450	512			338	402	469			306	383	443			388	459	532		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

MARKET: JACKSON										
STRUCTURE TYPE	NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	307	350	412	475	553	288	332	400	463	527
SEMI-DETACHED/ROW	307	350	412	475	553	288	332	400	463	527
WALKUP	288	332	400	463	527	337	379	470		
ELEVATOR 2-4 STY	337	379	470			359	420	505		
ELEVATOR 5+ STY	359	420	505							
MANUFACTURED HOME										
	EFFECTIVE DATE 100187									
	TRENDED DATE 100189									

PREPARED ON 102789



**SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)**

**REGION 5**

**CHICAGO REGIONAL OFFICE**

STRUCTURE TYPE	MARKET: CHICAGO					MARKET: BELLEVILLE					MARKET: MOLINE					MARKET: SPRINGFIELD								
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+				
DETACHED	609	685	773	995	1154	431	481	578	653	738	451	508	560	701	821	403	459	538	612	690				
SEMI-DETACHED/ROW	516	643	712	851	896	371	429	543	620	690	393	449	503	638	716	367	431	500	577	654				
WALKUP	552	650	765	909	911	405	456	576			418	478	539			396	455	534						
ELEVATOR 2-4 STY	661	786	972	1020	1078	462	514	648			500	569	640			454	509	603						
ELEVATOR 5+ STY																								
MANUFACTURED HOME																								
	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187
	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189

STRUCTURE TYPE	MARKET: EAST ST. LOUIS					
	-0-	-1-	-2-	-3-	-4+	
DETACHED	410	472	528	605	675	
SEMI-DETACHED/ROW	373	432	505	584	649	
WALKUP	397	460	541			
ELEVATOR 2-4 STY	480	535	585			
ELEVATOR 5+ STY						
MANUFACTURED HOME						
	EFFECTIVE DATE					100187
	TRENDED DATE					100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CINCINNATI OFFICE

STRUCTURE TYPE	MARKET: CINCINNATI					MARKET: DAYTON				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			713	870	937			638	828	915
SEMI-DETACHED/ROW	447	516	587	704	775	415	444	516	618	696
WALKUP	361	424	536	610	703	346	433	501	579	648
ELEVATOR 2-4 STY	397	530	632			404	537	641		
ELEVATOR 5+ STY	553	651	739			560	657	704		
MANUFACTURED HOME										
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CLEVELAND OFFICE

STRUCTURE TYPE	MARKET: CLEVELAND					MARKET: AKRON					MARKET: FINDLAY					MARKET: LORAIN				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	521	545	743	806	869	496	522	589	666	699	413	446	496	591	626	401	407	481	560	597
SEMI-DETACHED/ROW	390	449	521	604	688	385	439	515	589	655	343	371	436	530	589	294	323	397	498	541
WALKUP	400	475	586			390	428	520			348	376	485			371	390	465		
ELEVATOR 2-4 STY	456	485	608			395	458	525			393	450	554			390	396	484		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189			
STRUCTURE TYPE	MARKET: MANSFIELD					MARKET: TOLEDO					MARKET: YOUNGSTOWN									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	466	471	629	684	757	430	491	562	645	688	423	429	496	579	596	423	429	496	579	596
SEMI-DETACHED/ROW	344	370	420	522	562	364	404	478	584	620	308	347	413	518	565	345	364	453		
WALKUP	379	417	498			387	420	515			352	372	462							
ELEVATOR 2-4 STY	386	444	510			424	430	524												
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189				TRENDING DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

COLUMBUS OFFICE

STRUCTURE TYPE	MARKET: COLUMBUS			
	NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+
DETACHED	383	420	549	672 683
SEMI-DETACHED/ROW	333	409	475	520 584
WALKUP	370	445	528	
ELEVATOR 2-4 STY	419	500	590	
ELEVATOR 5+ STY				
MANUFACTURED HOME				
	EFFECTIVE DATE			100187
	TRENDED DATE			100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

DETROIT OFFICE

STRUCTURE TYPE	MARKET: DETROIT					MARKET: FLINT					MARKET: ANN ARBOR					MARKET: YPSILANTI								
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+				
DETACHED	460	496	668	829	966	359	400	532	680	760	417	422	546	655	722	417	422	546	655	722				
SEMI-DETACHED/ROW	388	479	562	665	771	343	386	450	591	664	340	417	513	562	628	382	449	532	562	628				
WALKUP	415	506	578			348	405	476			382	449	532			382	449	532						
ELEVATOR 2-4 STY	424	521	638			356	455	542			387	489	555			387	489	555						
ELEVATOR 5+ STY																								
MANUFACTURED HOME																								
	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187
	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE					100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

GRAND RAPIDS OFFICE

MARKET: MT PLEASANT		MARKET: GRAND RAPIDS		MARKET: BENTON HARBOR		MARKET: BATTLE CREEK	
NUMBER OF BEDROOMS		NUMBER OF BEDROOMS		NUMBER OF BEDROOMS		NUMBER OF BEDROOMS	
-0-	-1-	-0-	-1-	-0-	-1-	-0-	-1-
-2-	-3-	-2-	-3-	-2-	-3-	-2-	-3-
-4+	-4+	-4+	-4+	-4+	-4+	-4+	-4+
402	453	420	425	400	429	398	423
275	369	309	385	299	347	298	383
284	386	327	405	317	365	317	401
441	527	446	520	433	496	458	530
615	728	611	722	586	696	638	729
522	647	622	672	536	644	520	642
412	512	537	574	429	525	469	567
430	551	506	577	447	559	487	602
612				568		595	
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189

MARKET: LANSING		MARKET: MUSKEGON		MARKET: TRAVERSE CITY		MARKET: MARQUETTE	
NUMBER OF BEDROOMS		NUMBER OF BEDROOMS		NUMBER OF BEDROOMS		NUMBER OF BEDROOMS	
-0-	-1-	-0-	-1-	-0-	-1-	-0-	-1-
-2-	-3-	-2-	-3-	-2-	-3-	-2-	-3-
-4+	-4+	-4+	-4+	-4+	-4+	-4+	-4+
420	428	439	481	481	496	363	416
328	386	314	397	581	581	236	328
347	405	334	418	466	484	254	346
414	468	454	530	502	580	462	541
549		590		644		556	
613	753	619	730	663	775	575	689
512	632	671	713	715	754	524	631
564	598	557	569	572	614	425	529
486		489				444	
549		590					
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189

MARKET: JACKSON		MARKET: JACKSON	
NUMBER OF BEDROOMS		NUMBER OF BEDROOMS	
-0-	-1-	-0-	-1-
-2-	-3-	-2-	-3-
-4+	-4+	-4+	-4+
409	414	599	730
321	398	501	619
327	417	455	560
470	543	615	590
615			
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 5

## INDIANAPOLIS OFFICE

MARKET: INDIANAPOLIS		MARKET: BLOOMINGTON		MARKET: EVANSVILLE		MARKET: FORT WAYNE	
STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	367 413 512 619 627	345 389 484 563 709	335 386 478 558 685	390 422 505 561 626	390 422 505 561 626	390 422 505 561 626	390 422 505 561 626
WALKUP	339 384 460 520 558	309 359 448 526 563	301 349 441 509 555	343 387 460 516 567	343 387 460 516 567	343 387 460 516 567	343 387 460 516 567
ELEVATOR 2-4 STY	368 407 488	346 385 479	335 376 471	379 412 490	379 412 490	379 412 490	379 412 490
ELEVATOR 5+ STY	463 512 593	424 472 568	405 478 580	475 526 616	475 526 616	475 526 616	475 526 616
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: HAMMOND		MARKET: LAFAYETTE		MARKET: SOUTH BEND		MARKET: TERRE HAUTE	
STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	397 448 531 608 688	376 418 513 582 645	381 425 517 595 680	379 421 507 582 647	379 421 507 582 647	379 421 507 582 647	379 421 507 582 647
WALKUP	363 416 496 563 599	346 393 472 534 585	349 395 475 538 582	338 389 475 546 579	338 389 475 546 579	338 389 475 546 579	338 389 475 546 579
ELEVATOR 2-4 STY	408 439 524	379 411 501	383 417 508	374 412 503	374 412 503	374 412 503	374 412 503
ELEVATOR 5+ STY	466 532 620	462 516 616	460 513 610	443 496 612	443 496 612	443 496 612	443 496 612
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189
MARKET: GARY		MARKET: GARY		MARKET: GARY		MARKET: GARY	
STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	385 441 521 596 686	385 441 521 596 686	385 441 521 596 686	385 441 521 596 686	385 441 521 596 686	385 441 521 596 686	385 441 521 596 686
WALKUP	363 416 496 568 585	363 416 496 568 585	363 416 496 568 585	363 416 496 568 585	363 416 496 568 585	363 416 496 568 585	363 416 496 568 585
ELEVATOR 2-4 STY	405 439 530	405 439 530	405 439 530	405 439 530	405 439 530	405 439 530	405 439 530
ELEVATOR 5+ STY	443 506 596	443 506 596	443 506 596	443 506 596	443 506 596	443 506 596	443 506 596
MANUFACTURED HOME	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189	EFFECTIVE DATE 100187 TRENDED DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5  
MILWAUKEE OFFICE

STRUCTURE TYPE	MARKET: MADISON			MARKET: REEDSVILLE			MARKET: SUPERIOR			MARKET: MILWAUKEE		
	NUMBER OF BEDROOMS	100187	100189	NUMBER OF BEDROOMS	100187	100189	NUMBER OF BEDROOMS	100187	100189	NUMBER OF BEDROOMS	100187	100189
DETACHED	-0- -1- -2- -3- -4+	650	736	-0- -1- -2- -3- -4+	592	675	-0- -1- -2- -3- -4+	553	664	-0- -1- -2- -3- -4+	741	825
SEMI-DETACHED/ROW	395 476 570 679 729	628	729	340 427 506 622 657	548		324 433 497 605 641	561		430 543 646 742 802	700	
WALKUP	385 429 525 628			335 384 459 548			318 379 452 561			424 481 573 700		
ELEVATOR 2-4 STY	401 444 540			353 400 472			337 398 469			444 498 592		
ELEVATOR 5+ STY	518 561 685			468 514 630			475 520 614			579 629 772		
MANUFACTURED HOME		EFFECTIVE DATE	100187		EFFECTIVE DATE	100187		EFFECTIVE DATE	100187		EFFECTIVE DATE	100187
		TRENDING DATE	100189		TRENDING DATE	100189		TRENDING DATE	100189		TRENDING DATE	100189
STRUCTURE TYPE	MARKET: EAU CLAIRE			MARKET: GREEN BAY			MARKET: WAUSAU					
	NUMBER OF BEDROOMS	100187	100189	NUMBER OF BEDROOMS	100187	100189	NUMBER OF BEDROOMS	100187	100189			
DETACHED	-0- -1- -2- -3- -4+	520	607	-0- -1- -2- -3- -4+	555	635	-0- -1- -2- -3- -4+	562	649			
SEMI-DETACHED/ROW	303 383 437 551 605	497		323 398 477 580 614	530		326 417 479 592 630	539				
WALKUP	295 339 392 497			303 350 434 530			321 368 435 539					
ELEVATOR 2-4 STY	315 358 412			318 365 449			337 385 453					
ELEVATOR 5+ STY	423 465 559			438 477 588			456 501 597					
MANUFACTURED HOME		EFFECTIVE DATE	100187		EFFECTIVE DATE	100187		EFFECTIVE DATE	100187			
		TRENDING DATE	100189		TRENDING DATE	100189		TRENDING DATE	100189			

PREPARED ON 102789



SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL OFFICE

STRUCTURE TYPE	MARKET: MINNEAPOLIS NUMBER OF BEDROOMS					MARKET: DULUTH NUMBER OF BEDROOMS					MARKET: MANKATO NUMBER OF BEDROOMS					MARKET: ROCHESTER NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	440	445	596	686	766	372	404	559	643	708	413	453	570	649	726	422	457	587	678	759
SEMI-DETACHED/ROW	363	417	497	636	658	356	386	477	584	620	356	398	496	573	605	372	413	510	587	622
WALKUP	402	478	599			376	446	552			389	437	512			402	448	530		
ELEVATOR 2-4 STY	411	593	686			394	481	613			407	561	665			438	591	673		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
	100189					100189					100189					100189				

STRUCTURE TYPE	MARKET: ST. CLOUD				MARKET: WORTHINGTON					
	-0-	-1-	-2-	-3-	-0-	-1-	-2-	-3-		
DETACHED	353	384	512	590	649	324	345	479	545	610
SEMI-DETACHED/ROW	322	361	448	540	573	295	324	418	504	536
WALKUP	349	423	487			313	384	458		
ELEVATOR 2-4 STY	354	498	589			318	445	543		
ELEVATOR 5+ STY										
MANUFACTURED HOME										
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187
	TRENDED DATE				100189	TRENDED DATE				100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

FORT WORTH REGIONAL OFFICE

STRUCTURE TYPE	MARKET: DALLAS					MARKET: SHERMAN					MARKET: TYLER					MARKET: WACO				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	351	389	479	584	659	297	329	407	516	595	281	311	384	461	527	308	341	421	534	618
	299	328	455	534	612	259	296	386	471	559	239	262	364	444	490	268	307	399	488	578
ELEVATOR 2-4 STY	312	356	494			270	332	419			250	285	395			280	339	434		
ELEVATOR 5+ STY	438	504	699			379	455	593			350	403	559			393	471	614		
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
STRUCTURE TYPE	MARKET: WICHITA FALLS					MARKET: SAN ANGELO					MARKET: ABILENE					MARKET: LUBBOCK				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	308	341	421	534	620	298	330	407	496	559	296	328	405	493	556	301	334	411	509	574
	268	307	399	488	576	254	278	386	470	470	252	277	384	468	517	260	285	390	476	533
ELEVATOR 2-4 STY	280	335	434			265	302	419			263	300	417			272	310	423		
ELEVATOR 5+ STY	393	471	614			371	427	593			369	425	590			381	438	599		
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
STRUCTURE TYPE	MARKET: AMARILLO					MARKET: EL PASO					MARKET: MIDLAND					MARKET: ODESSA				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	323	357	440	537	605	299	332	409	512	578	275	304	375	457	516	275	304	375	457	516
	275	301	418	509	562	261	288	388	473	537	234	257	356	434	479	234	257	356	434	479
ELEVATOR 2-4 STY	287	327	454			272	312	421			244	278	386			244	278	386		
ELEVATOR 5+ STY	402	463	642			382	442	596			342	394	547			342	394	547		
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
STRUCTURE TYPE	MARKET: ALBUQUERQUE NM					MARKET: SANTA FE NM					MARKET: SILVER CITY NM					MARKET: TAOS NM				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	364	387	492	578	670	371	415	487	598	695	292	332	398	485	547	333	378	454	553	624
	305	356	463	538	627	315	340	462	530	646	248	283	378	441	509	283	340	431	525	580
ELEVATOR 2-4 STY	319	400	503			329	426	501			259	341	410			296	389	468		
ELEVATOR 5+ STY	448	523	694			478	574	709			393	479	581			442	529	662		
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 6

## FORT WORTH REGIONAL OFFICE

STRUCTURE TYPE	MARKET: CLOVIS NM			
	NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+
DETACHED			433	543 636
SEMI-DETACHED/ROW	285	323	377	464 534
WALKUP	242	263	358	411 496
ELEVATOR 2-4 STY	253	333	388	
ELEVATOR 5+ STY	372	447	549	
MANUFACTURED HOME				
	EFFECTIVE DATE			100187
	TRENDED DATE			100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

HOUSTON OFFICE

STRUCTURE TYPE	MARKET: HOUSTON			MARKET: BEAUMONT			MARKET: BRYAN			MARKET: LUFKIN		
	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747	361 430 552 656 747
WALKUP	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722	336 405 527 627 722
ELEVATOR 2-4 STY	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592	396 470 592
ELEVATOR 5+ STY	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770	570 666 770
MANUFACTURED HOME												
	EFFECTIVE DATE	100187	100187	EFFECTIVE DATE	100187	100187	EFFECTIVE DATE	100187	100187	EFFECTIVE DATE	100187	100187
	TRENDING DATE	100189	100189	TRENDING DATE	100189	100189	TRENDING DATE	100189	100189	TRENDING DATE	100189	100189

STRUCTURE TYPE	MARKET: EL CAMPO			MARKET: TEXAS CITY		
	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	358 396 482 608 706	358 396 482 608 706	358 396 482 608 706	379 456 574 650 750	379 456 574 650 750	379 456 574 650 750
WALKUP	338 376 460 588 680	338 376 460 588 680	338 376 460 588 680	358 444 560 621 719	358 444 560 621 719	358 444 560 621 719
ELEVATOR 2-4 STY	393 436 545	393 436 545	393 436 545	421 509 645	421 509 645	421 509 645
ELEVATOR 5+ STY	481 568 702	481 568 702	481 568 702	570 666 770	570 666 770	570 666 770
MANUFACTURED HOME						
	EFFECTIVE DATE	100187	100187	EFFECTIVE DATE	100187	100187
	TRENDING DATE	100189	100189	TRENDING DATE	100189	100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 6

## LITTLE ROCK OFFICE

STRUCTURE TYPE	MARKET: FAYETTEVILLE				MARKET: LITTLE ROCK				MARKET: TEXARKANA				MARKET: FORT SMITH			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	
DETACHED			504	575	652			526	599	674			328	375	461	559
SEMI-DETACHED/ROW	337	411	474	553	610	352	444	496	576	635	339	400	478	574	631	328
WALKUP	328	396	461	548	605	327	412	460	571	630	323	389	455	569	626	308
ELEVATOR 2-4 STY	350	422	493			351	441	495			346	420	489			331
ELEVATOR 5+ STY	433	506	589			436	510	600			433	506	590			439
MANUFACTURED HOME																
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	
	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189	

STRUCTURE TYPE	MARKET: JONESBORO				MARKET: JONESBORO				MARKET: JONESBORO				MARKET: JONESBORO			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	
DETACHED			497	569	637			497	569	637			497	569	637	
SEMI-DETACHED/ROW	334	397	465	564	619	320	377	445	559	614	334	397	465	564	619	
WALKUP	320	377	445	559	614	320	377	445	559	614	320	377	445	559	614	
ELEVATOR 2-4 STY	343	404	482			343	404	482			343	404	482			
ELEVATOR 5+ STY	426	499	585			426	499	585			426	499	585			
MANUFACTURED HOME																
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	
	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189	

PREPARED ON 102789



**SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)**

REGION 6

## NEW ORLEANS OFFICE

	MARKET: NEW ORLEANS				MARKET: LAKE CHARLES				MARKET: LAFAYETTE				MARKET: BATON ROUGE			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
STRUCTURE TYPE																
DETACHED	298	345	441	492 568	297	331	396	505 596	197	238	309	435 523	280	318	389	490 585
SEMI-DETACHED/ROW WALKUP	291	336	433	480 545	257	307	370	475 549	190	230	300	423 500	249	288	354	450 508
ELEVATOR 2-4 STY	301	346	443		268	318	392		200	240	310		260	298	365	
ELEVATOR 5+ STY	427	486	618		416	463	570		325	371	484		395	442	551	
MANUFACTURED HOME																
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189		
	MARKET: HOUMA				MARKET: SHREVEPORT				MARKET: ALEXANDRIA				MARKET: MONROE			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
STRUCTURE TYPE																
DETACHED	246	286	342	462 539	297	331	409	517 592	294	329	388	461 527	289	323	394	547 613
SEMI-DETACHED/ROW WALKUP	237	276	331	448 515	271	302	382	484 541	280	313	374	444 499	278	311	386	536 592
ELEVATOR 2-4 STY	247	286	341		282	313	392		290	323	385		288	321	396	
ELEVATOR 5+ STY	374	420	516		429	474	595		427	473	580		427	472	590	
MANUFACTURED HOME																
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189		

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 6

## OKLAHOMA CITY OFFICE

STRUCTURE TYPE	MARKET: OKLAHOMA CITY				MARKET: ADA				MARKET: ARDMORE				MARKET: ENID			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
DETACHED				496 618 682				456 536 603				472 555 624				496 575 649
SEMI-DETACHED/ROW	306	349	424	510 568	306	369	415	489 552	317	382	430	509 572	299	363	446	549 586
WALKUP	242	291	369	480 543	258	317	363	437 484	267	328	376	453 501	241	301	380	448 495
ELEVATOR 2-4 STY	271	323	418		272	336	392		282	348	406		256	321	409	
ELEVATOR 5+ STY	353	407	516		357	419	493		370	419	511		347	422	513	
MANUFACTURED HOME																
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189		

STRUCTURE TYPE	MARKET: GUYMON						MARKET: LAWTON						MARKET: SHAWNEE						MARKET: STILLWATER					
	NUMBER OF BEDROOMS						NUMBER OF BEDROOMS						NUMBER OF BEDROOMS						NUMBER OF BEDROOMS					
	-0-	-1-	-2-	-3-	-4+		-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+			
STRUCTURE TYPE																								
DETACHED	272	290	356	436	498		374	418	495	580	644	326	381	461	516	567	337	360	418	527	565			
SEMI-DETACHED/ROW	217	234	299	373	421		303	349	441	521	568	272	326	396	432	472	283	306	363	467	491			
WALKUP	233	254	330				322	375	471			287	345	436			298	326	393					
ELEVATOR 2-4 STY	333	352	452				395	449	561			354	395	474			353	417	490					
ELEVATOR 5+ STY																								
MANUFACTURED HOME																								

STRUCTURE TYPE	MARKET: WOODWARD				MARKET: BARTLESVILLE				MARKET: MC ALESTER				MARKET: MUSKOGEE							
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS							
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE																				
DETACHED						406	491	562			484	569	631			480	557	615		
SEMI-DETACHED/ROW	270	288	353	432	494				297	338	470	553	616			345	350	449	517	579
WALKUP	215	232	297	370	417				245	285	404	481	529			245	277	386	448	495
ELEVATOR 2-4 STY	231	252	327						260	305	414					259	296	407		
ELEVATOR 5+ STY	329	349	448						338	373	470					308	345	459		

MARKET: TULSA						
STRUCTURE TYPE	NUMBER OF BEDROOMS					
	-0-	-1-	-2-	-3-	-4+	
DETACHED	281	322	394	488	535	500
SEMI-DETACHED/ROW	227	288	366	433	500	
WALKUP	242	308	396			
ELEVATOR 2-4 STY	336	399	508			
ELEVATOR 5+ STY						
MANUFACTURED HOME						
	EFFECTIVE DATE					100187
	TRENDING DATE					100189

PREPARED ON 102789



SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

SAN ANTONIO OFFICE

MARKET: SAN ANTONIO				MARKET: AUSTIN				MARKET: CORPUS CHRISTI				MARKET: EAGLE PASS			
NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+
330	347	408	594	346	388	449	718	317	345	442	630	304	354	443	597
303	327	392	563	317	361	420	685	295	321	419	600	284	337	474	522
423	455	554	530	377	453	537	636	357	381	550	555	384	440	505	489
433	468	569		387	466	552		367	394	565		394	453	525	
EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189		

MARKET: HARLINGEN				MARKET: LAREDO				MARKET: VICTORIA				MARKET: DEL RIO			
NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+	-0-	-1-	-2-	-4+
324	332	371	521	326	372	453	600	292	333	380	602	274	349	436	572
302	315	355	487	295	337	418	566	272	314	370	589	254	330	430	545
378	396	458	415	396	442	552	507	370	415	482	555	354	435	546	515
396	409	473		406	555	567		380	428	497		364	448	551	
EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189			TRENDING DATE	100189		

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES OFFICE

MARKET: DES MOINES		MARKET: BETTENDORF		MARKET: CEDAR RAPIDS		MARKET: COUNCIL BLUFF	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	438 463 556 626 717	355 396 469 535 615	377 440 546 623 710	415 443 529 596 677	332 382 449 502 556	420 476 548	456 517 612
WALKUP	354 408 474 534 592	302 345 415 477 541	313 367 470 543 616	307 353 415 488 552	378 422 502		
ELEVATOR 2-4 STY	428 474 561	369 412 500	407 462 569	411 461 552			
ELEVATOR 5+ STY	461 515 611	404 451 550	459 511 621				
MANUFACTURED HOME							
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189

MARKET: DUBUQUE		MARKET: MASON CITY		MARKET: SIOUX CITY		MARKET: DAVENPORT	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	383 442 509 582 663	377 432 528 601 684	399 450 548 620 695	356 405 469 536 613	307 353 415 488 552	378 422 502	411 461 552
WALKUP	323 378 451 529 599	324 374 453 522 596	336 375 455 523 608	307 353 415 488 552	378 422 502		
ELEVATOR 2-4 STY	405 456 540	394 444 559	418 466 565	411 461 552			
ELEVATOR 5+ STY	441 497 593	428 484 611	452 505 617				
MANUFACTURED HOME							
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189	TRENDING DATE	100189

MARKET: WATERLOO		MARKET: WATERLOO	
STRUCTURE TYPE	NUMBER OF BEDROOMS	STRUCTURE TYPE	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	DETACHED	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	340 390 439 505 583	SEMI-DETACHED/ROW	340 390 439 505 583
WALKUP	295 338 387 457 520	WALKUP	295 338 387 457 520
ELEVATOR 2-4 STY	356 402 467	ELEVATOR 2-4 STY	356 402 467
ELEVATOR 5+ STY	388 439 515	ELEVATOR 5+ STY	388 439 515
MANUFACTURED HOME		MANUFACTURED HOME	
EFFECTIVE DATE	100187	EFFECTIVE DATE	100187
TRENDING DATE	100189	TRENDING DATE	100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 7

## KANSAS CITY REGIONAL OFFICE

[illegible]

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 7

## OMAHA OFFICE

STRUCTURE TYPE	MARKET: OMAHA					MARKET: GRAND ISLAND					MARKET: LINCOLN					MARKET: NORFOLK				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	333	399	510	580	639	272	340	431	506	574	326	390	494	567	625	272	340	431	506	574
SEMI-DETACHED/ROW	309	373	460	569	601	263	315	413	490	554	308	373	460	562	619	263	315	413	490	554
WALKUP	316	419	504			314	386	497			316	421	504			314	386	497		
ELEVATOR 2-4 STY	347	434	522			325	395	510			361	434	522			325	395	510		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

STRUCTURE TYPE	MARKET: NORTH PLATTE					MARKET: SCOTTS BLUFF									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
DETACHED	284	351	442	517	565	286	358	453	532	592					
SEMI-DETACHED/ROW	273	346	410	493	542	276	340	431	509	567					
WALKUP	302	383	483			321	406	515							
ELEVATOR 2-4 STY	324	410	504			338	416	529							
ELEVATOR 5+ STY															
MANUFACTURED HOME															
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187								
	TRENDED DATE	100189				TRENDED DATE	100189								

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

ST. LOUIS OFFICE

STRUCTURE TYPE	MARKET: ST. LOUIS				MARKET: CAPE GIRARDEAU				MARKET: COLUMBIA				MARKET: KIRKSVILLE			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
DETACHED	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	
SEMI-DETACHED/ROW	427	522	618	731	805	305	351	429	493	528	290	366	403	550	600	
WALKUP	384	486	579	656	724	266	314	373	461	480	283	360	393	528	582	
ELEVATOR 2-4 STY	417	523	626			295	346	417			307	386	466			
ELEVATOR 5+ STY	465	591	799			325	380	557			342	456	624			
MANUFACTURED HOME																
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	
	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189	

STRUCTURE TYPE	MARKET: ROLLA			
	NUMBER OF BEDROOMS			
DETACHED	-0-	-1-	-2-	-3-
SEMI-DETACHED/ROW	304	368	436	519
WALKUP	273	346	431	558
ELEVATOR 2-4 STY	297	373	471	553
ELEVATOR 5+ STY	332	434	576	
MANUFACTURED HOME				
	EFFECTIVE DATE			
	TRENDED DATE			

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 8

## DENVER, COLORADO REGIONAL OFFICE

STRUCTURE TYPE	MARKET: DENVER, CO NUMBER OF BEDROOMS					MARKET: GRAND JUNCT.CO NUMBER OF BEDROOMS					MARKET: ASPEN/VAIL NUMBER OF BEDROOMS					MARKET: FARGO, ND NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
	458	509	596	662	753	311	358	435	547	627	329	380	463	578	666	317	355	442	550	629					
	350	449	495	651	736	283	314	398	500	573	302	336	426	532	614	310	360	408	508	581					
	369	456	556			349	400	485			361	416	507			313	360	445							
ELEVATOR 2-4 STY	454	500	632			373	425	512			369	426	518			317	369	455							
ELEVATOR 5+ STY																									
MANUFACTURED HOME																									
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187					100187				
	100189					100189					100189					100189					100189				
STRUCTURE TYPE	MARKET: BISMARCK, ND NUMBER OF BEDROOMS					MARKET: DICKINSON, ND NUMBER OF BEDROOMS					MARKET: HELENA, MT NUMBER OF BEDROOMS					MARKET: BILLINGS, MT NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
	304	335	412	511	579	230	261	338	437	505	300	350	437	553	598	332	382	467	580	667					
	280	319	378	469	531	206	242	304	395	457	272	319	399	504	590	305	350	429	533	614					
	297	340	415			223	266	341			339	393	483			370	424	517							
ELEVATOR 2-4 STY	304	349	425			230	275	351			353	419	496			385	450	545							
ELEVATOR 5+ STY																									
MANUFACTURED HOME																									
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187					100187				
	100189					100189					100189					100189					100189				
STRUCTURE TYPE	MARKET: GREAT FALLS,MT NUMBER OF BEDROOMS					MARKET: MISSOULA, MT NUMBER OF BEDROOMS					MARKET: SALT LAKE CITY NUMBER OF BEDROOMS					MARKET: CEDAR CITY, UT NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
	300	350	437	553	619	283	339	428	557	616	344	395	454	551	686	357	385	453	508	545					
	272	319	399	504	586	252	324	386	504	591	288	380	443	542	635	277	376	433	502	524					
	339	393	488			326	386	486			360	441	534			352	424	490							
ELEVATOR 2-4 STY	363	419	515			353	415	516			397	461	556			371	472	542							
ELEVATOR 5+ STY																									
MANUFACTURED HOME																									
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187					100187				
	100189					100189					100189					100189					100189				
STRUCTURE TYPE	MARKET: VERNAL, UT NUMBER OF BEDROOMS					MARKET: SIOUX FALLS,SD NUMBER OF BEDROOMS					MARKET: PIERRE, SD NUMBER OF BEDROOMS					MARKET: RAPID CITY, SD NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
	219	277	314	485	578	313	351	416	509	573	266	332	432	537	613	350	404	478	579	652					
	172	226	309	420	506	290	324	384	470	528	260	314	389	496	567	322	369	446	540	607					
	240	301	397			304	339	416			298	343	432			351	392	478							
ELEVATOR 2-4 STY	258	321	419			311	353	426			306	358	442			358	406	488							
ELEVATOR 5+ STY																									
MANUFACTURED HOME																									
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187					100187				
	100189					100189					100189					100189					100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL OFFICE

STRUCTURE TYPE	MARKET: CASPER, WY					MARKET: CHEYENNE, WY					MARKET: CODY, WY						
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+		
DETACHED			541	658	744			543	658	743			577	706	791		
SEMI-DETACHED/ROW	315	362	438	545	625	318	363	438	544	623	328	381	467	586	672		
WALKUP	290	333	403	501	575	293	334	404	500	574	300	348	428	539	622		
ELEVATOR 2-4 STY	352	402	485			353	403	486			367	422	517				
ELEVATOR 5+ STY	375	427	512			377	428	513			393	450	545				
MANUFACTURED HOME																	
	EFFECTIVE DATE					100187	EFFECTIVE DATE					100187	EFFECTIVE DATE				
	TRENDED DATE					100189	TRENDED DATE					100189	TRENDED DATE				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

## HONOLULU OFFICE

STRUCTURE TYPE	MARKET: HONOLULU NUMBER OF BEDROOMS				MARKET: GUAM NUMBER OF BEDROOMS				MARKET: KAUAI NUMBER OF BEDROOMS				MARKET: MAUI NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
DETACHED	582	621	883	1150 1306	502	559	690	791 887	620	758	889	1015 1102	671	755	796	1007 1067
SEMI-DETACHED/ROW	521	598	692	1008 1134	376	445	530	603	523	639	696	981 1066	491	635	767	896 956
WALKUP	578	672	722						552	670	726		523	667	800	
ELEVATOR 2-4 STY	594	797	966													
ELEVATOR 5+ STY																
MANUFACTURED HOME																
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189			TRENDED DATE	100189		

STRUCTURE TYPE	MARKET: HILO NUMBER OF BEDROOMS				MARKET: KONA NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3- -4+	-0-	-1-	-2-	-3- -4+
DETACHED	509	532	621	779 869	617	676	764	909 1006
SEMI-DETACHED/ROW	433	479	591	750 848	501	572	667	814 894
WALKUP	467	510	625		531	602	699	
ELEVATOR 2-4 STY								
ELEVATOR 5+ STY								
MANUFACTURED HOME								
	EFFECTIVE DATE	100187			EFFECTIVE DATE	100187		
	TRENDED DATE	100189			TRENDED DATE	100189		

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

LOS ANGELES OFFICE

MARKET: LOS ANGELES		MARKET: BAKERSFIELD		MARKET: SANTA BARBARA		MARKET: VENTURA	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	577 670 781 886 1001	424 479 538 681 769	586 736 827	664 669 814 906 1025	569 590 655 800 872	799 907 1010	569 590 655 800 872
WALKUP	518 597 721 859 935	368 451 514 656 721	586 736 827	473 527 682 773 839	506 554 621 762 814	506 554 621 762 814	506 554 621 762 814
ELEVATOR 2-4 STY	560 644 777	386 472 536	586 736 827	492 552 705	529 577 646	529 577 646	529 577 646
ELEVATOR 5+ STY	704 799 1031	552 631 738	586 736 827	640 715 915	690 750 865	690 750 865	690 750 865
MANUFACTURED HOME							
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189
MARKET: PASO ROBLES		MARKET: LANCASTER		MARKET: OXNARD		MARKET: SANTA ANA	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	515 520 647 777 865	494 498 601 696 814	637 733 855	573 590 655 800 872	706 713 827 1001 1086	706 713 827 1001 1086	706 713 827 1001 1086
WALKUP	433 488 601 717 775	389 469 576 666 759	586 670 831	506 554 621 762 814	570 670 770 924 979	570 670 770 924 979	570 670 770 924 979
ELEVATOR 2-4 STY	453 510 626	416 495 601	586 670 831	529 577 646	573 690 795	573 690 795	573 690 795
ELEVATOR 5+ STY	616 688 851	586 670 831	586 670 831	690 750 865	730 861 1011	730 861 1011	730 861 1011
MANUFACTURED HOME							
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189
MARKET: SAN DIEGO		MARKET: EL CAJON		MARKET: SANTA MARIA		MARKET: SAN BERNARDINO	
STRUCTURE TYPE	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS	NUMBER OF BEDROOMS
DETACHED	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+	-0- -1- -2- -3- -4+
SEMI-DETACHED/ROW	563 568 677 768 901	563 568 677 768 901	704 836 925	538 594 686 769 857	498 526 628 730 851	498 526 628 730 851	498 526 628 730 851
WALKUP	458 522 632 742 796	458 522 632 742 796	704 836 925	422 478 554 616 677	447 504 593 598 780	447 504 593 598 780	447 504 593 598 780
ELEVATOR 2-4 STY	495 572 690	495 572 690	704 836 925	446 501 577	478 525 615	478 525 615	478 525 615
ELEVATOR 5+ STY	593 692 847*	593 692 847	704 836 925	599 670 793	646 697 835	646 697 835	646 697 835
MANUFACTURED HOME							
	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187	EFFECTIVE DATE 100187
	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189	TRENDING DATE 100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 9

## PHOENIX OFFICE

STRUCTURE TYPE	MARKET: PHOENIX NUMBER OF BEDROOMS					MARKET: CASA GRANDE NUMBER OF BEDROOMS					MARKET: FLAGSTAFF NUMBER OF BEDROOMS					MARKET: TUCSON NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			619	745	843			510	607	692			636	696	769			564	632	719
SEMI-DETACHED/ROW	445	511	595	708	777	364	411	481	572	649	418	459	555	658	737	363	432	525	608	693
WALKUP	391	482	582	682	727	351	406	475	555	616	402	446	547	643	706	344	407	520	592	653
ELEVATOR 2-4 STY	413	504	609			382	428	497			424	468	569			366	438	552		
ELEVATOR 5+ STY	501	597	732								525	575	707			498	592	766		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

STRUCTURE TYPE	MARKET: YUMA NUMBER OF BEDROOMS					MARKET: KINGMAN NUMBER OF BEDROOMS					MARKET: SIERRA VISTA NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED	397	436	519	576	653	402	437	514	578	639	352	397	509	569	643
SEMI-DETACHED/ROW	382	424	512	566	625	376	424	508	565	627	336	382	498	555	613
WALKUP	412	446	534			399	458	530			358	404	520		
ELEVATOR 2-4 STY															
ELEVATOR 5+ STY															
MANUFACTURED HOME															
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO OFFICE

STRUCTURE TYPE	MARKET: SACRAMENTO				MARKET: REDDING				MARKET: PLACERVILLE				MARKET: YREKA			
	NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS				NUMBER OF BEDROOMS			
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	
DETACHED			603	640	735			550	586	672			562	657	706	
SEMI-DETACHED/ROW	493	504	576	633	696	409	475	526	579	650	523	528	603	666	731	
WALKUP	384	457	521	626	701	347	403	472	520	654	396	473	540	657	737	
ELEVATOR 2-4 STY	437	481	577			367	423	522			466	531	633			
ELEVATOR 5+ STY	592	650	792													
MANUFACTURED HOME																
	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	EFFECTIVE DATE				100187	
	TRENDED DATE				100189	TRENDED DATE				100189	TRENDED DATE				100189	

MARKET: S. LAKE TAHOE					
STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			677	784	854
SEMI-DETACHED/ROW	535	540	655	760	816
WALKUP	435	512	584	699	767
ELEVATOR 2-4 STY	474	532	625		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
	EFFECTIVE DATE				100187
	TRENDED DATE				100189

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 9

## SAN FRANCISCO REGIONAL OFFICE

STRUCTURE TYPE	MARKET: SAN FRANCISCO					MARKET: FRESNO					MARKET: MODESTO					MARKET: SAN JOSE				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	833	865	1027	1215	1292	336	419	489	673	736	384	389	467	569	627	578	584	712	864	950
	593	686	897	1093	1200	310	404	478	618	691	363	384	461	564	622	481	578	688	820	895
SEMI-DETACHED/ROW																				
WALKUP																				
ELEVATOR 2-4 STY																				
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	100187					100187					100187					100187				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100189					100189					100189					100189				
STRUCTURE TYPE	MARKET: OAKLAND					MARKET: MARIN					MARKET: EUREKA					MARKET: SANTA ROSA				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
	564	668	850	973	1075	564	668	850	973	1075	353	417	531	688	749	504	552	667	808	873
	523	638	792	897	994	523	638	792	897	994	348	409	508	665	702	469	536	648	793	856
SEMI-DETACHED/ROW																				
WALKUP																				
ELEVATOR 2-4 STY																				
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	100187					100187					100187					100187				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100189					100189					100189					100189				
STRUCTURE TYPE	MARKET: SANTA CRUZ					MARKET: RENO					MARKET: LAS VEGAS									
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS									
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+					
	496	502	676	864	951	432	496	612	747	823	401	460	535	688	751					
	418	497	636	820	895	404	475	585	680	754	377	436	529	680	735					
SEMI-DETACHED/ROW																				
WALKUP																				
ELEVATOR 2-4 STY																				
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	100187					100187					100187					100187				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100189					100189					100189					100189				

PREPARED ON 102789



SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

## REGION 10

## ANCHORAGE OFFICE

STRUCTURE TYPE	MARKET: ANCHORAGE					MARKET: FAIRBANKS					MARKET: JUNEAU					MARKET: KETCHIKAN				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			575	638	744			673	761	868			694	770	850			629	700	796
SEMI-DETACHED/ROW	354	448	548	627	737	400	585	667	749	858	464	576	681	756	828	468	475	617	686	780
WALKUP	340	425	530	612	694	350	512	654	732	812	418	519	655	727	802	454	465	607	680	754
ELEVATOR 2-4 STY	365	450	555			400	537	679			443	544	680			483	490	532		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187				
	100189					100189					100189					100189				

STRUCTURE TYPE	MARKET: KENAI PENINSULAR					MARKET: SITKA					MARKET: JUNEAU					MARKET: KETCHIKAN				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			558	618	702			560	640	719			560	640	719			560	640	719
SEMI-DETACHED/ROW	344	413	547	606	688	322	412	521	628	706	464	576	681	756	828	443	544	655	727	802
WALKUP	331	397	525	583	662	311	398	496	585	672	418	519	624	700	777	404	468	553	628	706
ELEVATOR 2-4 STY	356	422	551			404	468	553			443	544	655	727	802					
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE					EFFECTIVE DATE				
	TRENDED DATE					TRENDED DATE					TRENDED DATE					TRENDED DATE				
	100187					100187					100187					100187				
	100189					100189					100189					100189				

PREPARED ON 102789



SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

## PORTLAND OFFICE

STRUCTURE TYPE	MARKET: PORTLAND NUMBER OF BEDROOMS					MARKET: BEND NUMBER OF BEDROOMS					MARKET: COOS BAY NUMBER OF BEDROOMS					MARKET: BOISE NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			498	607	668			381	489	546			260	294	344	319	352	391	437	551
SEMI-DETACHED/ROW	318	379	451	549	592	277	297	344	422	474	260	294	344	423	471	286	339	385	485	528
WALKUP	306	376	437	504	566	216	278	323	399	442	231	280	335	409	458	311	349	399		
ELEVATOR 2-4 STY	317	384	454			230	299	342			242	294	350			384	434	517		
ELEVATOR 5+ STY	369	455	616																	
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			
STRUCTURE TYPE	MARKET: EUGENE NUMBER OF BEDROOMS					MARKET: IDAHO FALLS NUMBER OF BEDROOMS					MARKET: POCATELLO NUMBER OF BEDROOMS					MARKET: COEUR D'ALEN NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			401	505	563			356	401	447			380	501	558			399	494	545
SEMI-DETACHED/ROW	242	277	375	458	502	261	266	317	371	417	265	287	352	451	487	267	277	361	421	465
WALKUP	222	270	340	440	474	195	246	295	356	401	215	268	334	430	463	238	255	318	400	436
ELEVATOR 2-4 STY																261	270	338		
ELEVATOR 5+ STY																				
MANUFACTURED HOME																				
	EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187				EFFECTIVE DATE	100187			
	TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189				TRENDED DATE	100189			

PREPARED ON 102789



**SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION  
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)**

**REGION 10**

**SEATTLE REGIONAL OFFICE**

STRUCTURE TYPE	MARKET: SEATTLE					MARKET: BELLINGHAM					MARKET: OLYMPIA					MARKET: YAKIMA				
	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			628	695	789	307	350	424	523	577	345	365	393	455	546	297	342	422	493	577
SEMI-DETACHED/ROW	351	433	528	627	727	262	335	414	500	562	263	336	387	466	527	245	319	381	459	551
WALKUP	343	426	523	595	612	280	352	433			281	353	432			263	343	398		
ELEVATOR 2-4 STY	384	459	567																	
ELEVATOR 5+ STY	430	498	605																	
MANUFACTURED HOME																				
	EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187					EFFECTIVE DATE 100187				
	TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189					TRENDED DATE 100189				

STRUCTURE TYPE	MARKET: SPOKANE				
	-0-	-1-	-2-	-3-	-4+
DETACHED			469	541	626
SEMI-DETACHED/ROW	288	333	415	481	552
WALKUP	252	309	382	459	511
ELEVATOR 2-4 STY	270	345	399		
ELEVATOR 5+ STY	381	412	532		
MANUFACTURED HOME					
	EFFECTIVE DATE 100187				
	TRENDED DATE 100189				

PREPARED ON 102789

[FR Doc. 89-28141 Filed 11-30-89; 8:45 am]

BILLING CODE 4210-27-C



# Registered Federal Prison

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Friday  
December 1, 1989

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## Part V

## Department of Justice

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### Bureau of Prisons

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#### 28 CFR Part 545

Control, Custody, Care, Treatment and  
Instruction of Inmates; Inmate Financial  
Responsibility Program; Final Rule



## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Part 545

## Control, Custody, Care, Treatment and Instruction of Inmates; Inmate Financial Responsibility Program

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

**SUMMARY:** In this document, the Bureau of Prisons is amending its rule on inmate financial responsibility. This amendment places into the rule a provision for a minimum monthly payment for UNICOR and non-UNICOR workers. This amendment is intended to ensure the efficient operation of the Inmate Financial Responsibility Program.

EFFECTIVE DATE: January 2, 1990.

**ADDRESSES:** Office of General Counsel, Bureau of Prisons, Room 760, 320 First Street NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 724-3062.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is finalizing an amendment to its rule on inmate financial responsibility. This amendment places into the rule a provision for a minimum monthly payment for UNICOR and non-UNICOR workers. A proposed rule on this subject was published in the *Federal Register*, March 17, 1989 (54 FR 11332). Comments were received on both the proposed rule and on other final provisions of the Inmate Financial Responsibility Program (IFRP). Because only § 545.11(b) was published for public comment, the present document will address only those substantive comments directed to that proposed amendment.

A commenter stated that the proposed rule failed to provide background information necessary for intelligent public comment, namely, that the proposed rule was issued in response to a court order. We do not believe such a statement is necessary to solicit public comment. The court order directed that we promulgate the proposed amendment through the rulemaking process. Publication of these provisions as a proposed rule in the *Federal Register* is, in itself, the appropriate administrative procedure to solicit public comment.

A commenter stated that the IFRP punishes indigent inmates, and fails to distinguish between inmates sentenced before, and those sentenced after, enactment of the Sentencing Reform Act. This Act changed criteria for the imposition of fines. As stated in the

*Federal Register* of April 1, 1987 (52 FR 10528), the Bureau does not believe the use of a legal standard of indigency is necessary. Financial plans ordinarily can be developed for most inmates because they are eligible for, and receive, compensation for work performed within the institution. This amendment specifies that the minimum payment for non-UNICOR and UNICOR grade 5 inmates ordinarily will be \$25.00 per quarter, and that for UNICOR grades 1 through 4 inmates the minimum payment ordinarily will be at least half of their monthly pay. Regardless of the amount of the court-ordered obligation, the amount from institutional earnings which the inmate allots to the payment process remains either \$25.00 per quarter or a percentage of his or her monthly pay. In the event an inmate is determined to be without institution earnings and/or outside resources, no payments would be required.

Comments were also received that the proposed rule fails to give meaningful consideration to personal savings, family support, or other non-court-ordered obligations. We disagree. The amendment allows up to half of the inmate's monthly UNICOR grade 1 through 4 earnings to be used for such purposes, and it requires a payment of only \$25.00 per quarter from non-UNICOR and UNICOR grade 5 inmates. The payments that are encouraged by the IFRP are intended to assist the inmate meet his legitimate financial obligations.

A commenter stated that, under 28 U.S.C. 6334(d)(1)(A), fines may not be levied on earnings that fall below \$75.00 per week. The amounts collected through the IFRP are voluntary and do not constitute a levy, and therefore do not fall within the scope of the cited statute.

A commenter stated that 18 U.S.C. 3572(d) exempts inmates from having to make any payments on fines while incarcerated, except for those explicitly ordered to be made by the sentencing court. In fact, 18 U.S.C. 3572(d) states, "a person sentenced to pay a fine or other monetary penalty shall make such payment *immediately* (emphasis added), unless, in the interest of justice, the court provides for payment on a date certain or in installments." The statute also establishes that if the judgment " \* \* \* permits other than immediate payment, the period provided for shall not exceed five years, excluding any period served by the defendant as imprisonment for the offense." This section clearly does not preclude making partial payment during imprisonment in the absence of specific court direction.

A commenter raised a question on the "interest meter," a situation in which making the initial payment on a fine starts calculation of interest on the outstanding balance. The commenter stated that, in some cases, an inmate may end up owing more by making payments under the program than by not making payments. Under applicable law, interest on unpaid fines may be waived in whole or part by the sentencing court. Inmates desiring waiver of interest should make that request to the court.

After due consideration of comments received, the Bureau of Prisons finds good reason to adopt the proposed rule as final with one change. The word "ordinarily" is added to the fourth sentence of § 545.11(b) to clarify that while the minimum payment provision for inmates in UNICOR grades 1 through 4 is ordinarily 50% of inmate earnings, the Warden, after consideration of the individual case, retains the discretion to modify this amount as appropriate.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

## List of Subjects in 28 CFR Part 545

Prisoners, Work and compensation.

In consideration of the foregoing, part 545, subchapter C of 28 CFR, chapter V, is amended as follows:

## SUBCHAPTER C—INSTITUTION MANAGEMENT

## PART 545—WORK AND COMPENSATION

1. The authority citation for part 545, subpart B, is revised to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed as to conduct occurring on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. In 28 CFR 545.11, paragraph (b) is revised to read as follows:

## § 545.11 Procedures.

\* \* \* \* \*

(b) *Payment:* The inmate is responsible for making all payments required by the financial responsibility plan, and for providing documentation



to staff. Payments may be made from earnings of the inmate within the institution or from outside resources. Ordinarily, the minimum payment for non-UNICOR and UNICOR grade 5 inmates will be \$25.00 per quarter. Inmates assigned grades 1 through 4 in UNICOR ordinarily will be expected to allot not less than 50% of their monthly pay to the payment process. Allotments may exceed this percentage after considering the individual inmate's specific obligation and resources.

\* \* \* \* \*

Dated: November 17, 1989.

J. Michael Quinlan,

*Director, Bureau of Prisons.*

[FR Doc. 89-28158 Filed 11-30-89; 8:45 am]

BILLING CODE 4410-05-M



*[The text on this page is extremely faint and illegible. It appears to be a multi-column document, possibly a ledger or a list, with several columns of text. The content is too light to transcribe accurately.]*



# Environmental Protection Agency

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Friday  
December 1, 1989

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## Part VI

## Environmental Protection Agency

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40 CFR Part 372

Community Right-to-Know Release  
Reporting; Addition of Certain Chemicals;  
Final Rule



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 372**

(OPTS-400021A; FRL-3659-2)

**Community Right-to-Know Release Reporting; Addition of Certain Chemicals****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is adding nine chemicals to the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The addition of eight of these chemicals is based on their potential carcinogenicity or other chronic toxicity as reflected in determinations made under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA believes that these chemicals meet the criteria for addition to the list of toxic substances as established in EPCRA section 313(d)(2). EPA is also adding toluenediisocyanate (mixed isomers) (CAS Registry Number: 26471-

62-5) to the section 313 list. EPA believes that mixtures of toluenediisocyanate isomers would generally cause the same health and environmental effects as the individual isomers already included on the section 313 list.

**DATE:** This rule is effective December 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** Robert Israel, Project Manager, Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, 401 M St., SW., Mail Stop OS-120, Washington, DC 20460, Toll free: 800-535-0202, In Washington, DC and Alaska, (202) 479-2449.

**SUPPLEMENTARY INFORMATION:****I. Introduction****A. Statutory Authority**

EPA is adding nine chemicals to the list of toxic substances under section 313(c) of EPCRA. Section 313 of EPCRA requires owners and operators of covered facilities to report annually their releases of listed toxic chemicals. EPCRA section 313(d)(1) authorizes EPA to add chemicals to or delete chemicals from the list of toxic chemicals by rulemaking at any time. Section 313(d)(2) states that a chemical may be added if the Administrator determines that there is sufficient evidence to

establish that a chemical is known to cause or can reasonably be anticipated to cause adverse acute human health effects beyond facility site boundaries based on frequently recurring or continuous releases, chronic human health effects, or environmental toxicity.

**B. Background**

On April 21, 1989 (54 FR 16138), EPA issued a proposal in the Federal Register to add 10 chemicals to the list of toxic chemicals under section 313 of EPCRA.

EPA proposed the addition of these nine chemicals on the basis of their carcinogenicity or other chronic toxicity as reflected in determinations made under section 102 of CERCLA. EPA also proposed the addition of toluenediisocyanate (mixed isomers). It is expected that mixtures of these isomers will generally cause the same health and environmental effects as the individual isomers already included on the section 313 list. A detailed description of EPA's methodology and rationale for the addition of these chemicals can be found in the proposed rule. The following table lists the 10 chemicals which were proposed for addition to the section 313 list. As discussed below, EPA is not finalizing its proposal to add diethylamine to the section 313 list at this time.

Table 1.—Proposed Addition Candidates: CERCLA Section 102 Chemicals with Cancer and Chronic Toxicity Concerns

CAS Registry Number	Chemical Name	RQ Score	Basis of Score	Federal Register Citation	Chemical Specific Docket Number
78-86-6	2,3-DICHLOROPROPENE .....	100	CTX	51 FR 34534	102RQ-R1-2-1
99-65-0	m-DINITROBENZENE .....	100	CTX	50 FR 13456	102RQ-10-3-60
100-25-4	p-DINITROBENZENE .....	100	CTX	50 FR 13456	102RQ-10-3-60
107-18-6	ALLYL ALCOHOL .....	100	CTX	50 FR 13456	102RQ-10-3-5
109-89-7	DIETHYLAMINE .....	100	CTX	51 FR 34534	102RQ-R1-2-1
120-58-1	ISOSAFROLE .....	100	CARC	54 FR 33426	102RQ-273C
528-29-0	o-DINITROBENZENE .....	100	CTX	50 FR 13456	102RQ-10-3-60
8001-58-9	CREOSOTE .....	1	CARC	54 FR 33426	102RQ-273C
25321-14-6	DINITROTOLUENE (mixed isomers) .....	10	CARC	54 FR 33426	102RQ-273C
26471-62-5	TOLUENEDIISOCYANATE (mixed isomers) .....				

**Note:** Known production volumes range from 236,000 to 315,000,000 lbs/yr.

CTX = Chronic Toxicity; CARC = Potential Carcinogenicity.

While the section 313 list has been modified in the past to reflect EPA's response to 37 section 313 petitions, this is the Agency's first internally initiated list modification. EPA plans to continue to review and modify this list as necessary to be consistent with the section 313 list criteria.

Reporting for the identified chemicals will be required for activities during the 1990 calendar year. As such, the first reports for the added chemicals must be

submitted to EPA and States by July 1, 1991.

**II. Summary of Public Comment**

The public comment period on the proposed rule ended on June 5, 1989. A total of six comments were received from: Environmental Action Foundation (EAF); Hoechst Celanese Corporation; Entergy Services, Incorporated; The Working Group on Community Right-to-Know; National Wildlife Federation (NWF); and American Wood Preservers Institute (AWPI).

Almost all of the commenters expressed a strong support for EPA's

initiative to add chemicals to the section 313 list. Along with their support, comments were received on EPA's methodology, the addition of diethylamine, and Toxic Release Inventory reporting of creosote.

Comments received from Entergy Services, Inc. dealt exclusively with their desire for EPA to adjust the CERCLA reportable quantity (RQ) for creosote from 1 lb to 100 lbs. This comment is not relevant to this final rule to add creosote to the section 313 list but has been referred to EPA's Office of Solid Waste and Emergency Response for its consideration.



### A. Methodology

As discussed in the preamble of the proposed rule, EPA used a methodology premised on the review of analyses conducted under section 102 of CERCLA. EPA utilized those CERCLA reportable quantities (RQs) that had been established because of cancer or other chronic health effects.

EAF and NWF both had the opinion that EPA was overly restrictive in setting criteria for addition to the section 313 list. NWF comments focused on the fact that neither acute human toxicity nor environmental toxicity were considered in the proposal.

EPA specifically addressed this issue in the proposed rule.

In reviewing the RQ methodology for its application to the section 313(d)(2) criteria, EPA wanted to ensure that chemicals which are added to the section 313 list have high concerns for properties which are most relevant to section 313. For example, ignitability and reactivity which are not specifically mentioned in section 313(d) have not been considered in this rulemaking. For this reason, EPA considered only the criteria of chronic toxicity and carcinogenicity. Although aquatic and mammalian toxicity are relevant to section 313, EPA chose to only address chronic human toxicity in this rulemaking. As previously stated, this is EPA's first attempt to initiate modification to the section 313 list; other section 313 toxicity endpoints, such as aquatic and mammalian toxicity, will be considered in future modifications.

EPA will consider acute toxicity and environmental toxicity for future additions to the list.

EAF commented that reactivity, explosivity, and ignitability should also be considered for making additions to the list.

EPA evaluates chemicals for addition to and deletion from the section 313 list by applying the criteria established under section 313(d)(2). While the above properties are not explicitly cited as criteria for modifications to the list, EPA can consider these properties as they may potentially relate to the specific criteria under section 313(d)(2) in future rulemakings.

### B. Chemicals and Chemical Lists

EAF and NWF both stated that while the proposed additions to the section 313 list are certainly warranted, many more chemicals and chemical lists need to be evaluated. EAF generally stated that non-EPA lists should be considered for addition. NWF specifically suggested adding chemicals from the Priority Pollutant List of the Clean Water Act, sections 302 and 304 of EPCRA, section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3001 of the Resource Conservation and

Recovery Act (RCRA), section 103(a) of CERCLA, and hazardous chemicals under the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard.

EPA certainly recognizes that there are many more chemicals which still need to be evaluated for addition to the section 313 list. As stated in the proposed rule:

This action represents only the first attempt by EPA to modify the list of reportable chemicals under section 313. EPA will continue to look to other sources to add chemicals to the list which pose known or anticipated health and environmental hazards as established in section 313(d). The Agency is currently looking into a more comprehensive effort in developing a process to screen chemicals for addition to and deletion from the section 313 list.

While only at the beginning stages, EPA has begun to develop a process to screen chemicals for potential addition to the list. This will involve the evaluation of regulatory and non-regulatory lists, as developed within and outside the Agency.

EAF commented that they are concerned by one of the reasons EPA gives for using the CERCLA section 102 list as a starting point; that toxicological evaluations have already been conducted for CERCLA section 102 chemicals. They object to such criteria stating that little is known about many chemicals precisely because reporting has not been required.

EPA can only add chemicals to the list if these chemicals can be reasonably anticipated to cause one of the human health or environmental effects stated in section 313(d)(2). In other words, under section 313 EPA cannot place a reporting burden on the reporting community for a chemical for which EPA cannot reasonably anticipate human health or environmental concerns.

Using the toxicological evaluations that have already been conducted for the CERCLA section 102 chemicals allowed EPA to rely on data on carcinogenicity and chronic toxicity which has already been reviewed by EPA. EPA believes that these assessments are adequate to make the finding under section 313(d)(2) that the chemicals can be reasonably anticipated to cause cancer or other chronic effects to humans.

### C. Arbitrary Selection of CERCLA RQ Values

Many of the commenters stated that EPA's selection of an RQ of 100 lbs is arbitrary and is not an indication of toxicity. Certain commenters stated that many chemicals with higher RQs may

meet the criteria as established under section 313(d)(2) for addition to the list.

EPA's selection of the 100 lb RQ as a screening tool was based on its experience with the methodology and criteria to assign RQ scores for each of the seven primary areas; potential carcinogenicity, chronic toxicity, acute toxicity, environmental toxicity, mammalian toxicity, reactivity, and ignitability. EPA believes that chemicals with an RQ of 100 lbs for either cancer or chronic toxicity would most certainly meet the criteria under section 313(d)(2). However, this does not imply that chemicals assigned RQ values greater than 100 lbs do not necessarily meet the criteria under section 313(d)(2).

### D. Multiple Criteria for Addition to the List

Two comments were received which interpreted the methodology for the proposed chemicals as requiring that more than one criterion under section 313(d)(2) had to be met to add a chemical to the section 313 list. The statute clearly states that the Administrator need only to establish that a chemical meet any one of the criteria to warrant addition to the section 313 list.

EPA agrees that a chemical only needs to meet one of the criteria for health and environmental effects under section 313(d)(2). There seems to be some confusion with respect to the methodology employed in the proposal. The commenters may have assumed that EPA considered only the final published RQ in screening chemicals for addition.

As stated in the proposal:

CERCLA section 102(a) allows EPA to adjust RQ levels for specific chemicals. In establishing and adjusting the RQ levels, EPA evaluates the intrinsic physical, chemical, and toxicological properties of each chemical. The primary criteria used to adjust an RQ for a particular chemical are carcinogenicity, chronic toxicity, aquatic toxicity, mammalian toxicity, ignitability, and reactivity. EPA assigns RQ values for each of the six primary areas mentioned above. Chemicals with final RQ scores of 100 or less based on aquatic toxicity, mammalian toxicity, ignitability, and reactivity were screened for scores reflecting assessments based on their cancer and chronic toxicity potential. In other words, a chemical with a final RQ of 1 pound based on reactivity was still screened for its carcinogenicity and chronic toxicity scores. If [either] score is less than or equal to 100 pounds, then the chemical meets the threshold outlined in this proposal.

The Agency recognizes that a chemical only needs to satisfy one of the toxicity criteria to warrant its addition to the section 313 list. For this rulemaking, EPA only evaluated the RQ



values that were assigned specifically for cancer or chronic toxicity. As another example, allyl alcohol has been evaluated specifically for chronic toxicity where an RQ of 100 lbs has been assigned for chronic toxicity. While this chemical may have an even lower RQ value for one of the other endpoints mentioned above, only the chronic toxicity and carcinogenicity RQ values were considered.

#### E. Production Volume

EPA received several comments regarding the use of production volume as a criterion for listing and on the use of the TSCA Confidential Update System (CUS).

Commenters questioned any use of production volume for additions to the list, claiming that facilities which exceed the reporting thresholds would report under section 313 and those facilities which fall below would not. Commenters stated that it is inappropriate for EPA to look at production volume at all. The Agency should only examine chemicals' potential health and environmental effects.

Many commenters also questioned the use of the TSCA CUS noting its limitations with respect to inorganic chemicals, its accuracy, and the fact that it is a confidential data base being used for community right-to-know purposes. If production volume is going to play a role in making additions to the section 313 list, commenters stated that other production volume data should be considered.

EPA's position on these issues has been set forth in the proposal. The CERCLA section 102 list was screened for production volume to eliminate from consideration any chemical without a known production volume of at least 25,000 pounds, because 25,000 pounds is the reporting threshold for manufacturers and processors under section 313 of EPCRA. EPA wanted to ensure that it adds chemicals to the list which will result in valuable information on chemical releases into the environment. The public is not served if EPA adds chemicals to the list for which no reports would be received because the chemicals are not produced. For this reason, EPA believes it is appropriate to consider production volume on potential candidates for addition once an evaluation of the health and environmental toxicity has been conducted.

EPA agrees with the commenters that other sources, in addition to the TSCA CUS data base, should be considered in future rulemakings to include importation and chemical intermediates.

It is important to stress that this is EPA's first attempt to add chemicals to the list and a more comprehensive process for making modifications to the section 313 list is being developed.

#### F. Diethylamine

Hoechst Celanese Corp. commented on the available data on diethylamine and requested that EPA reconsider the addition of this chemical to the section 313 list. EPA cited a 1951 study conducted by Brieger and Hodes as the basis for chronic toxicity concerns. Hoechst Celanese raises several issues with respect to this study.

(1) The study used the rabbit as the exposure species, which is an unconventional choice for inhalation studies by today's standards.

(2) Only six animals were used per dose group and the sex was not specified.

(3) While the investigators noted multiple corneal erosions and edema at 50 ppm, no such effects were noted at 100 ppm.

(4) The study was only 6 weeks in duration.

Hoechst Celanese provided a much more recent study with diethylamine conducted by (Lynch, et. al.) at the National Institute of Occupational Safety and Health (NIOSH) in 1986. The Lynch study was 24 weeks in duration and used 200 rats (100 male and female) per dose group. No effects were noted at the 25 ppm dose level. At 250 ppm, the primary effects were related to respiratory irritation. None of the effects cited in the earlier study were cited in the Lynch study.

A review of the Brieger and Hodes study indicates that this study was not conducted using EPA guidelines (conducted before there was an EPA), that it is a less than perfect study, but that the study is sufficient for setting and supporting a CERCLA RQ for chronic toxicity. It should be noted that the Lynch study is being evaluated for a possible technical update of the CERCLA RQ for diethylamine. The contention that the rabbit is an unconventional choice for inhalation testing relates to the difficulty of conducting this type of test in rabbits. It does not make the rabbit an inappropriate test species for this chemical. In fact, it is possible that the variance between the Brieger and Hodes study and the Lynch study indicates that the rabbit is a more sensitive species for the subject chemical.

However, the Hoechst Celanese comments do raise concerns regarding EPA's selection of this chemical for addition to the section 313 list of toxic chemicals. The low number of animals

used in the Brieger study, the short duration of the study, the lack of a dose-dependent response, and the lack of confirmation in the more recent Lynch study are factors that indicate a need for further analysis before EPA adds this chemical to the section 313 list. Therefore, EPA is not adding diethylamine to the section 313 list pending further review.

#### G. Creosote

The AWPI provided comment on the proposed addition of creosote to the section 313 list. The industry is generally supportive of this idea, provided that reporting of creosote is in lieu of, and not in addition to, reporting of its listed constituents. AWPI's comments addressed four specific issues: listing of creosote as a section 313 toxic chemical; reporting of creosote under section 313 in lieu of its constituents; creosote emissions estimation methodologies; and the carcinogenicity of creosote.

1. *Listing creosote as a distinct compound.* Creosote is a distillation product from coal tar pitch. As such, it is a naturally occurring mixture in that it is not manufactured by the assembly or formulation of ingredients nor are any other substances intentionally added to it during its processing. Creosote is composed of as many as 200 individual components with 20 being generally recognized at levels of 1.0 percent or greater. (Three of these chemicals are individually listed on the section 313 list: anthracene, dibenzofuran, and naphthalene.) Industry believes that health risk assessments of the whole compound (creosote) are appropriate and are sufficient indicators of real world toxicity and exposures.

AWPI's main point is that numerous government entities have regulated and continue to look at creosote as a discrete compound with a distinct chemical identity: creosote is a listed hazardous waste under the RCRA and is a CERCLA hazardous substance. Beyond EPA, OSHA regulates creosote as a hazardous substance in the workplace, and the National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC) have both evaluated the carcinogenicity of creosote as a discrete entity. AWPI also points to the fact that creosote has been assigned a CAS registry number.

EPA generally agrees with AWPI with respect to treating creosote as a distinct entity and that reporting under section 313 should take place for that entity in lieu of the individual components. EPA wants to ensure, however, that release determinations are expressed properly under section 313.



Recognizing the complexity of creosote with respect to its constituents, EPA believes that release estimates under EPCRA section 313 should be for total organics attributable to creosote that are released to each medium. For example, while creosote is manufactured, processed, or used, releases to air might occur from the volatile components of creosote. While the number of individual components and percentages of the volatiles would be different from the original creosote mixture, EPA believes that the total amount of these volatiles must be reported as emissions of creosote to air. EPA is stressing this point since, in the above example, it might be interpreted that creosote (in its entirety) is not being emitted into the air and as such, emissions are reported as zero.

While the policy under section 313 has not necessarily been to consider a CAS registry number as the identifier for determining the reportability of a substance, EPA agrees with AWPI that treating creosote as a discrete chemical substance is reasonable for this particular situation.

2. *Reporting creosote on Form R in lieu of its constituents.* AWPI has pointed out that creosote is handled and applied as a discrete compound by government, health professionals, and industry. It makes sense to continue this approach in all regulatory contexts. Reporting of creosote and its section 313 listed constituents would result in double counting of emissions.

AWPI has also indicated that the burden of reporting for individual listed chemicals within creosote is greater than the burden would be for reporting for creosote in lieu of its constituents.

EPA agrees that reporting emissions of creosote should be in lieu of reporting section 313 listed components. Anthracene, dibenzofuran, and naphthalene are all major components of creosote. Individual reports for these substances as they result from creosote would not be required. However, it should be emphasized that facilities which separately employ a section 313 listed chemical (such as the above three) in any manufacture, process, or use activity are still subject to reporting releases of those chemicals. For example, a creosote solution in naphthalene would be considered to contain two reportable section 313 chemicals. Estimations of the releases would have to be made for the naphthalene solvent as well as creosote.

Reporting creosote as a single entity is somewhat precedent setting under section 313. In the past, EPA guidance to reporting has been chemical-specific. Individual section 313 listed chemicals

in mixtures, whether or not the mixture is described by a CAS registry number, require threshold and release determinations for the individual listed chemical(s). With respect to creosote, facilities are currently making estimates of releases for the three individually listed chemicals. According to AWPI, making a single report for releases of the entity, creosote will be less burdensome than reporting individual listed chemicals. Estimating releases for creosote, while less burdensome, will not necessarily be straightforward. As such, EPA is providing guidance below for estimating creosote releases.

3. *Carcinogenicity of creosote.* AWPI contends that the IARC and NTP reviews on creosote are incomplete because they do not include unpublished studies. The unpublished studies are referred to by AWPI as three epidemiological studies which show that exposure to creosote in the wood treating industry does not adversely affect human health.

With regard to the cancer criterion under section 313, EPA must conclude that a chemical causes or can reasonably be anticipated to cause cancer in humans in order to include that chemical on the section 313 list. As with IARC and NTP, EPA can only consider data which are available when assessing the potential toxicity of any chemical. While there may be unpublished epidemiological studies on creosote which AWPI claims show no adverse human health related effects, there are still data to indicate that there is limited human evidence, and sufficient animal evidence to reasonably anticipate that creosote causes cancer in humans. IARC and NTP have concluded that creosote is a possible human carcinogen. It should be noted that AWPI did not include these unpublished reports in their comments. Despite AWPI comments concerning the epidemiologic studies, it still supported the listing of creosote under section 313.

### III. Statutory Findings

After assessing public comment and the rulemaking record, EPA has determined that the chemical substances identified in Table 1 above (with the exception of diethylamine) meet the statutory toxicity criteria for listing under section 313(d)(2) of EPCRA. These determinations and the specific toxic effects of each chemical are set forth in detail in the preamble of the proposed rule and the accompanying rulemaking record.

In summary, EPA finds that isosafrole, creosote, and dinitrotoluene (mixed isomers) are known to cause or can reasonably be anticipated to cause

cancer in humans. EPA has also determined that ortho-, meta-, and para-dinitrobenzene are known or can reasonably be anticipated to cause serious reproductive dysfunctions in humans. EPA has determined that there is sufficient evidence that allyl alcohol and 2,3-dichloropropene are known to cause or can reasonably be anticipated to cause serious chronic health effects in humans. Finally, EPA concludes that mixed isomers of toluenediisocyanate causes or can reasonably be anticipated to cause serious or irreversible chronic effect in humans.

### IV. Guidance for Reporting Creosote

Estimating releases of creosote for purposes of section 313 should be based on the total organics attributable to creosote that are released to each medium. Contributions to the release not known to be due to creosote per se can be factored out. For example, total organics might include amounts of pentachlorophenol from other processes at the facility which should be subtracted. Fugitive emissions, solid wastes, and storage tank losses may be partially due to solvents, such as topped coal tar distillate, in the mixture and these releases can be factored out using weight fractions of these other substances.

For air releases, fugitive emissions from equipment leaks such as pumps and valves can be estimated by using the average Synthetic Organic Chemical Manufacturing Industry (SOCMI) emission factors for heavy liquid organics. If the facility had screening data for hydrocarbon leaks (defined as greater than 10,000 ppm) then this data can be used in conjunction with the leaking and non-leaking SOCMI fugitive emission factors. These fugitive emission factors are available in Appendix D of Estimating Releases and Waste Treatment Efficiencies for the Toxic Chemical Release Inventory Form, EPA 560/4-88-002.

Stack releases of creosote can be based on measured total volatile organics or hydrocarbons. Air emissions for storage tanks can be estimated with EPA published equations using the average molecular weight and vapor pressure for the creosote liquid at the storage temperature. If the molecular weight and vapor pressure of the creosote is not available, it can be calculated using the liquid concentration, molecular weight, and vapor pressure of the individual components. This procedure is further described in Appendix C of EPA 560/4-88-002.



For water releases, estimates can be based on the measured total organic concentration in wastewater times the wastewater volume. If this is not available, the concentration could be based on the solubility of creosote in water. Solid wastes should be based on the measured weight or volume (multiplied times density) of the creosote waste.

As an alternative approach, a facility could build its estimates on a chemical-by-chemical basis, including at a minimum, the 20 most abundant constituents of creosote. However, a covered facility would not be required to file separate reports for anthracene, dibenzofuran, or naphthalene based on their presence in creosote.

#### V. Rulemaking Record

The record supporting this rule is contained in the docket number OPTS-400021A and in the CERCLA dockets referenced in Table 1. Nonconfidential documents, including an index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC. The CERCLA dockets which are part of this rulemaking are available to the public in the CERCLA Public Docket Office which is located at EPA Headquarters, Rm. M2427, 401 M St., SW., Washington, DC.

#### VI. Regulatory Assessment Requirements

##### A. Executive Order 12291

Executive Order (E.O.) 12291 requires each Federal agency to classify as "major" any rule likely to result in:

- (1) An annual effect on the economy of \$100 million or more; or
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic and export markets.

EPA's economic analysis estimates up to 619 additional reports entailing annual costs to EPA, industry, and States of about \$755,000 as a result of the addition of nine chemicals to the section 313 list of toxic chemicals. EPA anticipates that this addition will not have a significant effect on competition, costs, or prices. Therefore, EPA has determined that this rule is not "major."

This rule has been submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

##### B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each Federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities."

40 CFR part 372 exempts certain small businesses from reporting; specifically, those facilities with fewer than 10 full-time employees. This exclusion exempts about one-half of all manufacturing facilities in Standard Industrial Classification (SIC) codes 20 through 39 from section 313 reporting. EPA estimates that the addition of 9 chemicals will require reporting from less than 1 percent of manufacturing facilities with between 10 and 50 employees.

The analysis supporting this rule anticipates that no segment of the manufacturing sector is likely to suffer significant adverse effects because of this rule. Reporting costs are estimated at less than 0.25 percent of median sales per report for affected facilities with 10 to 19 full-time employees in manufacturing SICs 20 through 39. Based on the 9 chemicals, it is unlikely that any facilities with 10 to 19 employees will have to file reports for more than 1 chemical.

Therefore, EPA certifies that this rule will not have a significant impact on a substantial number of small entities and that no Regulatory Flexibility Analysis is needed.

##### C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070-0093.

The public reporting burden for this collection of information is estimated to average 33 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 726

Jackson Place NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA."

#### List of Subjects in 40 CFR Part 372

Community right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: November 28, 1989.

William F. Reilly,

Administrator.

Therefore, 40 CFR part 372 is amended to read as follows:

#### PART 372—[AMENDED]

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

2. In § 372.65 by adding chemicals to paragraph (a) alphabetically and to paragraph (b) by CAS No. sequence to read as follows:

#### § 372.65 Chemicals and chemical categories to which the part applies.

(a) \* \* \*

Chemical Name	CAS No.	Effective Date
Allyl alcohol	107-18-6	1/01/90
Creosote	8001-58-9	1/01/90
2,3-Dichloropropene	78-88-6	1/01/90
m-Dinitrobenzene	99-65-0	1/01/90
o-Dinitrobenzene	528-29-0	1/01/90
p-Dinitrobenzene	100-25-4	1/01/90
Dinitrotoluene (mixed isomers)	25321-14-6	1/01/90
Isosafrole	120-58-1	1/01/90
Toluenediisocyanate (mixed isomers)	26471-62-5	1/01/90

(b) \* \* \*

Cas No.	Chemical Name	Effective Date
78-88-6	2,3-Dichloropropene	1/01/90
99-65-0	m-Dinitrobenzene	1/01/90
100-25-4	p-Dinitrobenzene	1/01/90
107-18-6	Allyl alcohol	1/01/90
120-58-1	Isosafrole	1/01/90
528-29-0	o-Dinitrobenzene	1/01/90



Cas No.	Chemical Name	Effective Date
• • • • •		
8001-58-9	Creosote .....	1/01/90
• • • • •		
25321-14-6	Dinitrotoluene .....	1/01/90
	(mixed isomers)	
• • • • •		
26471-62-5	Toluenediisocyanate.....	1/01/90
	(mixed isomers)	
• • • • •		

[FR Doc. 89-28251; Filed 11-29-89; 10:20 am]

[BILLING CODE 6560-50-N]







# Reader Aids

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Friday, December 1, 1989

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## CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

## LIST OF PUBLIC LAWS

### Last List November 30, 1989

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

### H.R. 1310/Pub. L. 101-177

To redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway". (Nov. 28, 1989; 103 Stat. 1296; 1 page) Price: \$1.00

### H.R. 2120/Pub. L. 101-178

To amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994. (Nov. 28, 1989; 103 Stat. 1297; 1 page) Price: \$1.00

### H.R. 3402/Pub. L. 101-179

Support for East European Democracy (SEED) Act of 1989. (Nov. 28, 1989; 103 Stat. 1298; 27 pages) Price: \$1.00

### H.R. 3532/Pub. L. 101-180

Civil Rights Commission Reauthorization Act of 1989. (Nov. 28, 1989; 103 Stat. 1325; 1 page) Price: \$1.00

### H.J. Res. 357/Pub. L. 101-181

Providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution. (Nov. 28, 1989; 103 Stat. 1326; 1 page) Price: \$1.00

### H.J. Res. 358/Pub. L. 101-182

Providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution. (Nov. 28, 1989; 103 Stat. 1327; 1 page) Price: \$1.00

### H.J. Res. 393/Pub. L. 101-183

To grant the consent of Congress to the boundary change compact between South Dakota and Nebraska. (Nov. 28, 1989; 103 Stat. 1328; 6 pages) Price: \$1.00

### S. 810/Pub. L. 101-184

To commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes. (Nov. 28, 1989; 103 Stat. 1334; 2 pages) Price: \$1.00

### S. 978/Pub. L. 101-185

National Museum of the American Indian Act. (Nov. 28, 1989; 103 Stat. 1336; 12 pages) Price: \$1.00

### S.J. Res. 159/Pub. L. 101-186

To designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment. (Nov. 28, 1989; 103 Stat. 1348; 2 pages) Price: \$1.00

### S.J. Res. 207/Pub. L. 101-187

Approving the location of the memorial to the women who served in Vietnam. (Nov. 28, 1989; 103 Stat. 1350; 1 page) Price: \$1.00

### S.J. Res. 218/Pub. L. 101-188

To designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week". (Nov. 28, 1989; 103 Stat. 1351; 1 page) Price: \$1.00



**H.R. 2461/Pub. L. 101-189**

National Defense Authorization Act for Fiscal Years 1990 and 1991. (Nov. 29 1989; 103 Stat. 1352; 339 pages) Price \$10.00

**S. 1390/Pub. L. 101-190**

To provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes. (Nov. 29, 1989; 103 Stat. 1691; 6 pages) Price: \$1.00



# TABLE OF EFFECTIVE DATES AND TIME PERIODS—DECEMBER 1989

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

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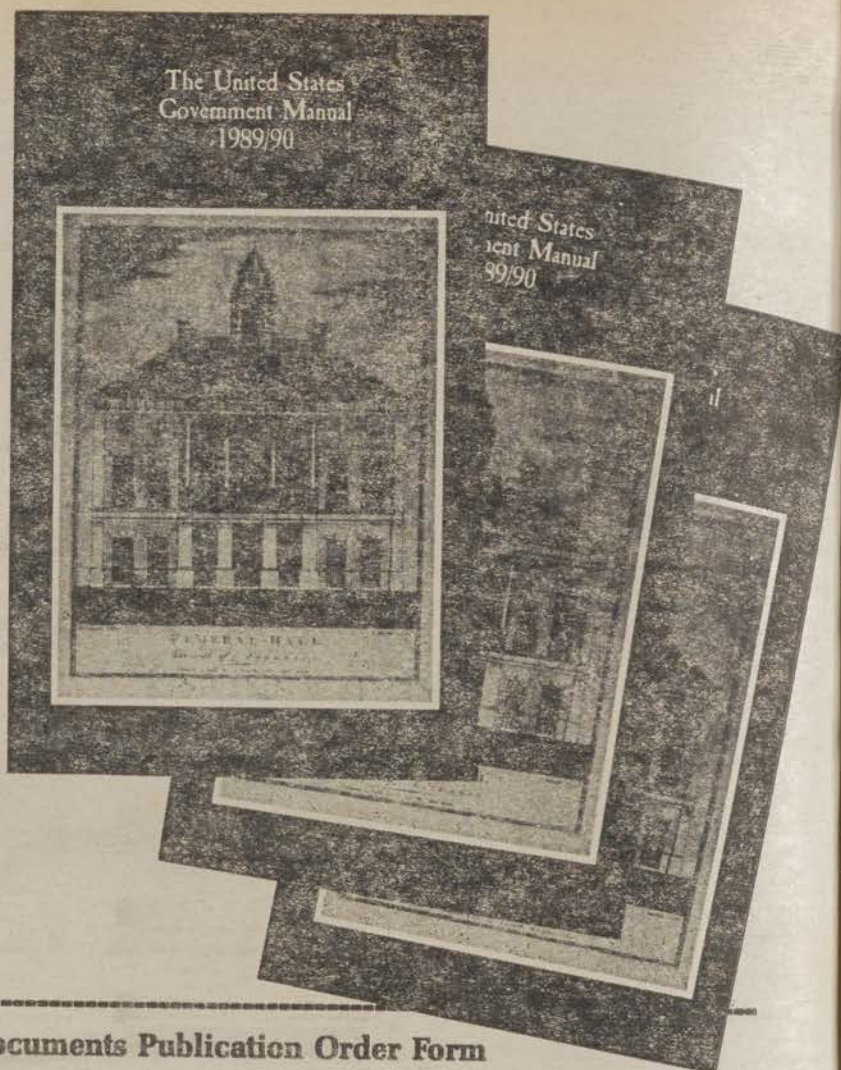
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